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PORTLAND, THURSDAY MORNING, NOVEMBER 4, 1890.

Terms \$8.00 per annum, in advance.

The Portland Daily Press

Is published every day (Sundays excepted) by the

Portland Publishing Co.,

At 100 EXCHANGE STREET, Portland.

Terms—Eight Dollars a Year in advance.

The Maine State Press

Is published every THURSDAY MORNING at

\$2.50 a year; if paid in advance, at \$2.00 a year.

RATES OF ADVERTISING.—One inch of space, in length of columns, constitutes a "square."

Advertisements inserted in the "Maine State Press" (which has a large circulation in every part of the State) for \$1.00 per square for first insertion, and 50 cents per square for each subsequent insertion.

Adverts at other rates on application.

PORTLAND PUBLISHING CO.

BUSINESS CARDS

J. H. LAMSON,

PHOTOGRAPHER,

Announces that he has just opened

A FIRST-CLASS GALLERY

IN PORTLAND,

No. 162 Middle St., cor. Cross St.,

In rooms formerly occupied by B. F. SMITH, the old well-known artist of this city.

Morris—Good Work and Moderate Prices.

Notified

BRENNAN & HOOPER,

UPHOLSTERERS

No. 33 Free Street,

(Formerly in the No. 308 Congress Street.)

MANUFACTURERS OF

PARLOR SUITS, LUNGES, SPRING BEDS,

MATTRESSES, &c.

Repairing and Reupholstering. Furniture of all kinds made to order.

REPAIRING AND REUPHOLSTERING.

Life & Fire Insurance Agents,

Representing some of the oldest and safest Co's.

Agents for the N. E. Life Co. for New

England.

REPAIRING AND REUPHOLSTERING.

Office at 111 Middle Street, Boston.

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REMOVALS.

REMOVAL.

THE Portland Water Co. have removed their

office to the room over the Pastor Express

office on Pine Street near Middle St. Sec'y.

REMOVAL.

And Ware-House to Let!

THE subscribers have removed their place of

business to the store formerly occupied by E. E.

Upson & Son, Commercial street, near Robert-

son Wharf, where they will be found a complete as-

sortment of the best families of Family Flour, at prices

which cannot fail to attract customers.

THEY also have a large stock of Flour in Central

Wharf, equalled by them as a grain store.

JOHN W. MUNGER & SON.

MISCELLANEOUS.

LEON M. BOWDOIN

WHOLESALE

Laces, Embroideries, Edgings,

LINEN COLLARS, and CUFFS,

GLOVES, &c.

Those who think it necessary to go to Boston

for their lace and embroidery, will find that these

goods will satisfy them in every respect, and will

be found to be of the same quality as those of the

city. New goods to be seen at our store.

JOHN W. MUNGER & SON.

SALEM LEAD COMPANY.

THEY have a large stock of lead, and are

prepared to supply the same at the lowest prices.

THEY also have a large stock of lead, and are

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REAL ESTATE.

REMOV A L.

Real Estate Agent,

Has removed from Horse Railroad Station to

137 Middle Street, where he will be pleased to

see all who wish to purchase Houses, Lots, Horse

and Cattle, or to let or hire houses.

\$3000 for a New Two Story House

LOCATED near the foot of Wilcox Street, con-

sisting of two stories, with a large front porch, and

sleeping porch, with an abundance of closets; also

large front porch, with an abundance of closets; also

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FOR BANGOR.

THREE TRIPS PER WEEK.
Steamer CITY OF NEW YORK,
Capt. William E. Deussen, Master, will
leave Bangor every MONDAY, WEDNESDAY, and
FRIDAY Evening at 10 o'clock or on the arrival
of Express Trains from Boston, for Bangor, leaving
at intermediate landings on Penobscot Bay and
Cape Elizabeth, will leave Bangor every MONDAY,
WEDNESDAY, and FRIDAY, morning at 8 o'clock
for Portland at intermediate landings, arriving in Port-
land about noon afternoon at 4 P. M.
RUSS & STUDDIANT,
General Agents, 17 Commercial St., N.Y.
Portland April 6, 1890.

FOR BOSTON.

The new and superior one masted
steamer JOHN BROOKS
Bangor, having been fitted
out for service as follows:
Leave Bangor for Portland State Rooms
Leaving the anchor wharf, beautiful S. J. McLean,
and Little Water, every day at 8 o'clock P.
M. (Sundays excepted).
Return from Portland, every day at 10 o'clock
P. M.
Fare \$1.00
Dinner extra.
Freight charges usual.
May 1, 1889-dt

L. BILLINGS, Agent.

Maine Steamship Company
NEW ARRANGEMENT.
Semi-Weekly Line!

On and after the 1st inst. the fine
steamships "Hedge and Franconia," will
visit further north, run as follows:
Leave Bangor for Portland, every
Monday and Wednesday at 8 A. M. and
Thursday and Friday at 10 A. M. and
Sunday at 3 P. M.
The Grigdon Franconia are fitted up with the
most commodious life boats, making them
not only convenient but comfortable routes for travelers
from Bangor to New York and Maine.
Fares in State Room \$5. Cabin Passage, \$3.
Also a through ticket to and from Montreal, Quebec,
St. John's, N. B., Halifax, and other ports.
For tickets and freight rates apply to the Steamer
Company or request their freight to the Steamer
Company, No. 60 City Street, N. Y., on the day they leave for
Portland or passage apply to
J. F. AMES, Pier 38 S. N. New York.

Desert and Machias.
FALL ARRANGEMENT.
ONE TRIP PER WEEK.
The favorite steamer LEWIS-
TON, Capt. Desiring Master, will
leave Bangor Wharf, foot of State
Wharf, every Friday evening, at 10 o'clock,
on arrival of Express Train from Boston, for
Portsmouth touching at Rockland, Oyster
Point, Jewell Mt., Leavitt, Millidge and Jones-
borough, will leave Machiasport every Tuesday
evening, at 8 o'clock, leaving for Bangor about Mon-
day morning, touching in Portland same night.
RUSS & STUDDIANT,
Commercial Street, N. Y.
Portland April 10, 1890.

Packet to Windsor, N. S.
The new British Schooner Portland,
Capt Nelson, will run regular between
Bangor and Windsor, the remainder of the season.
For freight or passage, having good cargo
space, apply to
A. D. WHIDDEN
Bangor Wharf.

Portland, Sept. 2, 1890.

**Fail, Tub, Barrel, Keg, Stave,
Hoop and Chair**
MACHINE!

CYLINDER STATE SAWS from 2 in. to 8 feet
diameter. Wood Working Machinery of every
description. Pot Stillies, Corn Shellers, Engines
at Chicago Falls, Furber Water Wheels, Shafting,
&c., manufactured by the
Bay State Machine Company,
Newton's Lane, Fitchburg, Mass.
J. FLY THOMPSON,
July 17, 1890. BARNUM WH. CORN.

Barnum's Bath Rooms,
— At —
Cape Elizabeth North Street.
Are now open for the Season, on
Saturday Afternoons,
Sunday all day, and
Monday Forenoon.
Single Tickets 40 cents, or three tickets for one
dollar.

Fletcher Manufacturing Co
Established 1720.
Shoe Boots, Shoes & Corset Laces,
Lamp Wickes. Yarns, Braids, &c.

SAMUEL G. TRIFFE, Agent.
No. 60 City Street, - - - - Boston.
June 1 - ctdm

Hard and White Pine Timber
on hand and sawed to dimensions.
HARD PINE PLANK.
HARD PINE FLOORING AND STEPS.
BOARDS. For Sale by
STETSON & POPE,
Wharf and Dock, First corner of Ferry St. Office
No. 10 State Street, Boston.
rectifier

NOTICE
Office of the American Watch Co.
Waltham, Mass., Nov 1889.
WE HAVE APPOINTED
LOWELL & SENTER,
G-t Exchange St.,
DEALERS IN
Watches, Chronometers,
Spectacles & Nautical Instruments,
Our Selling Agents for the City and vicinity of Port-
land, and intend to keep in their possession at all
times such a stock of goods as will enable them to sup-
ply any demand either at wholesale or retail which
may be made upon them, and of credit favorable as
is offered at our place in New York or Boston.
For American Watch Co.
do-WY. ROBBINS, Treas'r.

DUSTER PRINTING, of all kinds done with dis-

THE PRESS...Extra.

Public Laws of the State of Maine, passed by the 48th Legislature, A. D. 1869.

Chapter 1.

AN ACT concerning specie payments.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Chapter seventy-one of the laws of eighteen hundred and sixty-two, entitled "an act to suspend certain provisions in chapter forty-seven of the revised statutes, concerning banks," is hereby continued in force until the fifteenth day of February, eighteen hundred and seventy; providing said banking corporations shall, upon demand, pay or tender payment of their bills, checks, or drafts, in lawful money of the United States.

SECT. 2. This act shall take effect when approved. [Approved January 28, 1869.]

Chapter 2.

AN ACT providing a Safe Depository for Wills.

SECT. 1. A will may be deposited for safe-keeping by the testator or any person for him, in the registry of probate in the county where the testator lives; and the register, on being paid the fee of one dollar, shall receive and keep said will, and give a certificate of the deposit thereof.

SECT. 2. Such will shall be inclosed in a sealed wrapper, indorsed with the name and residence of the testator, and the date when deposited, and may have indorsed thereon the name of any person to whom it is to be delivered after the death of the testator.

SECT. 3. A will so deposited shall not be opened nor read until delivered to the testator, or to some person authorized to receive it by an order in writing signed by the testator and attested by one witness; and the register may require, if he thinks proper, the person presenting such order to make oath that the same is genuine.

SECT. 4. After the death of the testator the will shall be delivered to the person, if any, entitled by the indorsement on the wrapper to receive it; or, if not demanded before the next probate court following the death of the testator, it may then be publicly opened and retained in the probate office until offered for probate; or, if the jurisdiction of the estate belongs in another court, it shall be delivered to the executors, or other persons entitled to the custody thereof, to be presented for probate in such other court. [Approved February 2, 1869.]

Chapter 3.

AN ACT additional, relating to license for the conveyance of real estate, under contracts made by deceased persons.

SECT. 1. The several statutes authorizing the judge of probate in certain cases to grant license to administrators and others to convey real estate of deceased persons, when the deceased in his lifetime made a legal contract for such conveyance and was prevented by death from executing it, are amended, so that a like authority may be granted to a special administrator, in the same manner and on the same conditions as to administrators.

SECT. 2. This act shall take effect when approved. [Approved February 2, 1869.]

Chapter 4.

AN ACT to amend chapter seventy-one of the Revised Statutes.

The thirteenth section of chapter seventy-one of the revised statutes is amended by striking out, after the word "given," the words, "of the time and place," so that the latter clause of said section shall read as follows: "and the court shall decide what public notice, if any, shall be given of such private sale, and if any is required, it shall be inserted in the license and given accordingly." [Approved February 3, 1869.]

Chapter 5.

AN ACT additional to chapter seventy-five of the Revised Statutes.

The seventh specification in the first section of chapter seventy-five of the Revised Statutes, is amended so as to read as follows: "Seventh. If an intestate leaves no kindred, the real and personal estate of said intestate descends to the widow or husband surviving; if no kindred, widow or husband, it escheats to the State." [Approved February 3, 1869.]

Chapter 6.

AN ACT to amend chapter sixty-seven of the Revised Statutes.

SECT. 1. The second section of chapter sixty-seven of the revised statutes is amended so as to read as follows:

SECT. 2. "If the minor is under fourteen years of age, the judge may nominate and appoint his guardian; if he is over that age, he may nominate his own guardian in presence of the judge or register of probate, or in writing certified by a justice of the peace; and if approved by the judge, such nominee shall be appointed, although the minor has a guardian; but if not thus approved, or if the minor resides out of the State; or, being cited by the judge, neglects to nominate a suitable person, who will accept the trust, the judge may nominate and appoint as if he were under fourteen."

SECT. 3. Guardians may make oath to inventories by them returned, before the judge or register of probate, or any justice of the peace. [Approved February 3, 1869.]

Chapter 7.

AN ACT in addition to and amendment of chapter sixty-four of the Revised Statutes.

SECT. 1. The thirteenth section of chapter sixty-four of the revised statutes is amended, so that the

last division of said section shall read as follows: "but if they are unsuitable, or, being residents in the county and cited before the judge for the purpose, neglect or refuse, for thirty days from the decease of the intestate, to take out letters of administration, he may commit administration on such estate to such other person as he deems suitable."

SECT. 2. The twenty-seventh section of the same chapter is amended by adding at the end thereof the words: "When by reason of the removal or discharge of executors or administrators, and appeals from the decrees of removal or discharge, there is no executor or administrator to act, the judge may appoint a special administrator, who shall have the same powers, and perform the same duties as other special administrators, until such appeals are disposed of, and some executor or administrator may legally act."

SECT. 3. The twenty-eighth section of the same chapter is amended by adding at the end thereof, as follows: "Heshall also pay the expenses of the funeral and last sickness, and of administration; debts preferred under the laws of the United States; public rates and taxes; money due the State from the deceased, and any temporary allowances made by the judge to the widow pending litigation."

SECT. 4. Executors and administrators may make oath to the truth of inventories by them returned, before the judge or register of probate, or any justice of the peace.

SECT. 5. Executors or administrators may pay debts due from a deceased husband to his wife, or from a deceased wife to her husband, as if the marriage relation had never existed between them.

SECT. 6. Executors or administrators may require any person making a claim against the estate of their testator or intestate, to present said claim in writing, supported by the affidavit of the claimant, or of some other person cognizant thereof, stating what security the claimant has, if any, and the amount of credit to be given, according to the best of his knowledge and belief.

SECT. 7. This act shall take effect when approved. [Approved February 3, 1869.]

Chapter 8.

AN ACT in addition to, and in amendment of, chapter sixty-three of the Revised Statutes.

SECT. 1. Courts of probate in this state are courts of record. The seal of the judge is the seal of the court; and the register of the same court has custody of said seal.

SECT. 2. In case of the sickness, absence from the state, or inability of the judge of probate in any county, to hold the regular terms of his court, the judge of probate of any other county, at the request of the judge or register of probate for the county where the emergency arises, may hold any regular term of such court, and his orders, decrees, and decisions, shall have the same force and validity as if made by the judge of said county.

SECT. 3. The second section of chapter sixty-three of the revised statutes is amended so as to read as follows:

"SECT. 2. Sheriffs and their deputies, coroners and constables, shall serve and execute all legal processes directed to them by any judge of probate; and such judge may, when he deems it necessary, require any such officer, when not in attendance upon any other court, to attend during the sitting of the probate court, for which attendance the officer shall be entitled to be paid as in other courts for similar services; and any person summoned before the judge as a witness, refusing to appear and give evidence, is liable to the same penalties and damages, as for such refusal before the supreme judicial court."

SECT. 4. The tenth section of the same chapter is amended by inserting after the word "judge," the words "or register;" and all oaths described in said tenth section, except to the truth of accounts rendered, may be administered by the judge or register of probate, or any justice of the peace.

SECT. 5. The fourteenth section of the same chapter is amended by striking out all after the word "allowed," near the end of said section, and inserting the words "and such orders and decrees of the judge, and other matters, as he directs."

SECT. 6. The nineteenth section of the same chapter is amended so that it shall read as follows:

"SECT. 19. The supreme judicial court is the supreme court of probate, and has appellate jurisdiction in all matters determinable by the several judges of probate; and any person aggrieved by any order, sentence, decree or denial, of such judges, except the appointment of special administrator, may appeal therefrom to the supreme court, to be held within and for the same county, if he claims his appeal within twenty days from the date of the proceeding appealed from; or, if at that time he was beyond sea, or out of the United States, and had no sufficient attorney within the state, within twenty days after his return, or constitution of such attorney."

SECT. 7. The twentieth section of the same chapter is amended so as to read as follows:

"SECT. 20. Within the time limited for claiming an appeal, the appellant shall file, in the probate office, his bond to the adverse party, or to the Judge of Probate for the benefit of the adverse party, for such sum, and with such sureties, as the judge approves; conditioned to prosecute his appeal with effect, and pay all intervening costs and damages, and such costs as the supreme court taxes against him; and within said limited time he shall also file in the probate office the reasons of appeal; and fourteen days at least before the sitting of the appellate court, shall serve all the other parties, who appeared before the judge of probate in the case, with a copy

of such reasons, attested by the register of probate; but in case of controversy between a person under guardianship and his guardian, the supreme court may sustain an appeal on the part of the ward without such bond.

SECT. 8. The twenty-fourth section of the same chapter is amended so as to read as follows:

"SECT. 24. Such appeal shall be cognisable at the next term of the supreme court, which is held after the expiration of thirty-four days, after the date of the proceeding appealed from, and said court may reverse or affirm, in whole or in part, the sentence or act appealed from; pass such decree thereon as the judge of probate ought to have passed; remit the case to the probate court for further proceedings; or take any order therein that law and justice require; and if, upon such hearing, any question of fact occurs, proper for a trial by jury, an issue may be formed for that purpose under the direction of the court and so tried." [Approved February 3, 1869.]

Chapter 9.

AN ACT additional to chapter eighty-seven of the Revised Statutes.

No act shall be maintained against an executor or administrator, upon any claim against the estate of his testator or intestate, unless such claim has been presented in writing to such executor or administrator, and payment thereof demanded, at least thirty days before the commencement of said action. [Approved February 3, 1869.]

Chapter 10.

AN ACT additional relating to the proof and effect of wills executed in another state or country.

SECT. 1. The several statutes relating to the proof and effect of wills executed in any other state or country, are amended so that any will made and executed in any foreign country, or in any other of the United States, according to the laws thereof, shall be valid and have the same force and effect in this state, as if made and executed in the manner prescribed by the laws thereof, if at the time of his death the testator was a resident of this state, whether said will is originally proved and allowed in this state, or is allowed and recorded in any probate court in this state, upon the production of a certified copy thereof, and proof that it has been proved and allowed in any other state or country. [Approved February 3, 1869.]

Chapter 11.

AN ACT in relation to conditional sales of personal property.

SECT. 1. No agreement or stipulation hereafter made shall be valid, whereby the title to personal property, bargained and delivered, shall remain the property of the payee of a note given therefor, unless the agreement or stipulation is in writing and made a part of the note, and signed by the payor or his lawful agent.

SECT. 2. This act shall take effect when approved. [Approved February 4, 1869.]

Chapter 12.

AN ACT to amend chapter two hundred and nine of the public laws of eighteen hundred and sixty-eight, relating to the taxation of shares in National Banks.

SECT. 1. The third section of chapter two hundred and nine of the public laws of eighteen hundred and sixty-eight is hereby amended by inserting after the word "state," in the eleventh line, the words, "or by persons whose residence is unknown," so that the last clause of said section shall read as follows: "The shares in such associations owned by persons residing out of the state, or by persons whose residence is unknown, shall be taxed, in the city or town where said banking association is located, and not elsewhere; provided however, that the taxation thereof shall not be at a greater rate than as above provided in the case of shareholders residing in the state."

SECT. 2. This act shall take effect when approved. [Approved February 6, 1869.]

Chapter 13.

AN ACT relating to school blanks, school returns, and the distribution of the state school fund.

SECT. 1. The superintendent of common schools shall prepare and print blank forms, for all returns required by law, or deemed by him necessary, and shall, on the first day of March in each year, forward to the clerk of the several cities, towns and plantations, blanks for the annual school return, and registers for the school year commencing on the first day of April following; and said clerk shall forthwith deliver the same to the superintending school committee of his respective city, town or plantation.

SECT. 2. The superintending school committees or supervisors of the several cities, towns and plantations, shall make their annual school returns, now required by law, into the office of the superintendent of common schools, on the first day of May, and shall give the number of scholars as they existed on the first day of April preceding.

SECT. 3. The superintendent of common schools shall, on the first day of June, notify the school committee of any town whose returns were not received at his office in May, and shall, annually, ascertain on the first day of July the number of children between four and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the State treasurer, and the treasurer shall immediately after the first day of July apportion to the towns all state school funds, for the year, according to such list, and in the manner prescribed in section seventy-five, chapter eleven of the revised statutes. Immediately after making the apportionment the

treasurer shall notify each town of its proportion, which shall not be paid to any town that has not made return for the year, until it is made to the superintendent of common schools.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 5. This act shall take effect when approved. [Approved February 6, 1869.]

Chapter 14.

AN ACT to authorize writs of execution to be issued or renewed, where the person who recovered judgment has deceased.

SECT. 1. Where a person who has recovered judgment dies before a writ of execution has been issued thereon, and execution may thereafter be issued, or where the creditor in any execution has deceased, before it has been fully satisfied, it may be renewed by order, in vacation or term time of any justice of the court, which rendered such judgment, or the judgment on which such execution issued, upon the application, in writing, of the executor or administrator, general or special, of such deceased person; and where such judgment was rendered or execution was issued by the judge of a municipal court, or by a trial justice or justice of the peace, then the execution may be issued, or the execution be renewed by such judge or justice, in like manner as before provided. But no first execution shall issue, nor any execution be renewed, by virtue of this act, after the times respectively within which it might be done, if the party had not deceased. And any execution issued or renewed by the authority of this act, may be renewed, from time to time, as it might be if the party recovering judgment were alive.

SECT. 2. Any execution issued originally, or, by renewal of a former execution, by virtue of the authority conferred by this act, after reciting the judgment, and that thereof execution remains to be done, in whole or in part as the case may be, shall in effect, set forth that since the rendition of the judgment the said creditor, naming him, has deceased, and that the person whose name is inserted in place of the creditor, is the executor or administrator of his estate, and the command to the officer shall be the same as if the judgment had been recovered by the administrator or executor, and he shall be seized of and hold any real estate levied on, to satisfy the execution, in the same manner and to the same uses he would if he, in his representative capacity, had recovered judgment.

SECT. 3. This act shall take effect when approved. [Approved February 6, 1869.]

Chapter 15.

AN ACT to amend chapter sixty-five of the Revised Statutes.

The fifteenth section of chapter sixty-five of the revised statutes is amended by adding at the end thereof, the words: 'and if there is a widow and such children by a former wife, the judge may at his discretion, divide such allowance among the widow and such children of a former wife.'

[Approved February 8, 1869.]

Chapter 16.

AN ACT to amend chapter ninety-six of the public laws of eighteen hundred and sixty-two, relating to the Passamaquoddy and Penobscot Indians.

SECT. 1. The second section of chapter ninety-six of the public laws of eighteen hundred and sixty-two is hereby amended by striking out from said section the following words in the eighth and ninth lines, viz: "and not more than one hundred rods of shore shall be sold in one lot;" so that the section, when amended, shall read as follows:

"SECT. 2. The agent of the Penobscot tribe, under the orders of the Governor and Council, is authorized to lease the Public Farm, on Orson Island, and appropriate the accruing rents to the use of the schools of said tribe; and the shores of the islands in the Penobscot river, belonging to said tribe, shall be hereafter leased for the purpose of booming or hitching logs, under the orders of the governor and council. Such leases shall not run longer than five years. Notice of the time and place of such sale shall be given by publishing the same in one of the daily papers of Bangor, thirty days, and such notice shall specify the shores to be sold, and the limits of each lot."

SECT. 2. This act shall take effect when approved. [Approved February 8, 1869.]

Chapter 17.

AN ACT to amend "an act" approved February twenty-fourth, eighteen hundred sixty-eight, relating to soldiers' testimonials of honor.

SECT. 1. So much of an act approved February twenty-fourth, eighteen hundred sixty-eight, as refers to soldiers' testimonials, is hereby amended, so that the same shall read "to all honorably discharged soldiers, sailors and marines who served in the war of eighteen hundred sixty-one, and were credited on the quota of Maine."

SECT. 2. This act shall take effect when approved. [Approved February 12, 1869.]

Chapter 18.

AN ACT to amend the third specification of the eighth section of the seventy-seventh chapter of the revised statutes relating to the equity powers of the Supreme Judicial Court.

The said statute is hereby amended by adding to the said specification the words "and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when a full performance or payment shall have been made by the contracting party," so that as amended the same shall read "third, to compel the specific performance of written contracts, and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when a full performance or payment shall have been made to the contracting party."

[Approved February 15, 1869.]

Chapter 19.

AN ACT to amend Section four of chapter ninety-four of the Revised Statutes, relating to forcible entry and detainer, and providing that the complaint may be sworn to by an agent or attorney. Section four of chapter ninety-four of the Revised

Statutes is hereby amended by striking out all words after the word "appearance," in the seventh line, and inserting instead thereof the words "the complaint may be made in the name of the claimant and be sworn to by himself or his agent or attorney, and if the claimant lives out of the State it must be indorsed like writs; and in such case, if a recognizance is required, any person may recognize in behalf of the claimant, and shall be personally liable," so that the section as amended shall read as follows:

"SECT. 4. On a written complaint sworn to, charging a forcible and unlawful entry or detainer of real estate as aforesaid, a summons may be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him, which shall be served like other writs of summons, seven days before the day for his appearance. The complaint may be made in the name of the claimant and be sworn to by himself or his agent or attorney and if the claimant lives out of the State it must be indorsed like writs; and in such case if a recognizance is required any person may recognize in behalf of the claimant, and shall be personally liable."

[Approved February 15, 1869.]

Chapter 20.

AN ACT in relation to the State valuation.

SECT. 1. The assessors of each city, town and plantation in this State, for the current year, shall at the time provided by law for that purpose, make a true and accurate list of all the male polls of twenty-one years of age and upwards, resident in or belonging to said city, town or plantation, whether such persons are at home or abroad, distinguishing such as are exempted from taxation; and shall also make true and accurate lists of all ratable estates, both real and personal, (not exempt by law from paying state taxes,) lying or being within their several cities, towns or plantations, and all such estates or property of whatever kind, wherever situated or located, which is subject to be taxed in said cities, towns or plantation; and said assessors shall affix to said estates and property of whatever kind, enumerated and set forth in said lists, the full, fair cash value thereof, and shall also make separate lists of all vessels owned in whole or in part in their respective cities, towns and plantations, stating their names, age, value and tonnage by the new admeasurement, and shall submit to the full and free examination of the commissioners on State valuation, provided for by resolves of this legislature, at the time and place designated by said commissioners, all said lists of polls and valuation for this year, or such full and accurate abstracts thereof, as said commissioners shall require and direct.

SECT. 2. The assessors of every city, town and plantation, shall also produce or cause to be produced before said commissioners, for their examination, at the time and place designated as aforesaid, the full original poll lists and valuation lists of their several cities, towns and plantations, for the years eighteen hundred and sixty-seven, eighteen hundred and sixty-eight, and eighteen hundred and sixty-nine.

SECT. 3. And the assessors of the several cities, towns and plantations, for the year eighteen hundred and sixty-nine, shall make out their valuation and tax lists of all taxable property in their several localities, at the full value thereof, as aforesaid; and before said lists, thus prepared, shall be transmitted to the commissioners aforesaid, the said assessors shall make oath or affirmation to the facts as to the manner in which said tax and valuation lists were made up, and shall subscribe a certificate of said oath upon said lists, duly attested; and if any assessors shall refuse or neglect to comply with the requirements of this act, they shall for each offence forfeit and pay a fine of not less than fifty nor more than two hundred dollars.

SECT. 4. This act to take effect when approved. [Approved February 17, 1869.]

Chapter 21.

AN ACT to prevent the destruction of baggage while being transported from one place to another.

SECT. 1. Whenever baggage masters, express agents, stage drivers, hackmen, or any other person whose duty it is to handle, remove or take care of trunks, valises, boxes, packages or parcels, while leading, transporting, unloading, delivering or storing the same, whether or not in the employ of railroad, steamboat, or stage companies, shall wantonly or recklessly injure or destroy the same, they shall be punished by imprisonment less than one year or by fine not exceeding one hundred dollars; and the persons so offending may be prosecuted by the owner of such property so destroyed or injured, or by his authorized agent, within one year from the day of committing the offence, one half of the fine imposed to be paid to such owner, and the other half to the county in which the offence was committed.

SECT. 2. Trial justices shall have jurisdiction thereof when the property destroyed or injury done is not alleged to exceed twenty dollars. [Approved February 17, 1869.]

Chapter 22.

AN ACT to repeal "An Act to regulate the sale of lobsters by weight instead of count."

SECT. 1. An act entitled "An Act to regulate the sale of lobsters by weight instead of count approved February twentieth, eighteen hundred and sixty-eight," is hereby repealed.

SECT. 2. This act shall take effect when approved. [Approved February 22, 1869.]

Chapter 23.

AN ACT to amend chapter three of the Revised Statutes.

SECT. 1. Section eight of chapter three of the revised statutes is amended so as to read as follows:

"SECT. 8. When omissions or errors exist in the records or tax lists of a town or school district, or in the returns of warrants for meetings thereof, they shall be amended, on oath, according to the fact, by the officer whose duty it was to have made them correctly, while in or after he ceases to be in office. If the original warrant is lost or destroyed, the return,

or an amendment of it, shall be made upon a copy thereof."

SECT. 2. This act shall take effect when approved. [Approved February 22, 1869.]

Chapter 24.

AN ACT to provide for the registry of lost deeds.

SECT. 1. Whenever a deed duly executed and acknowledged, conveying lands located in two or more counties shall have been lost after having been recorded in a part, and only in a part, of such counties, it shall be lawful for the register of deeds in either of the remaining counties to enter upon the records thereof, a copy of said deed, duly certified by the register of the county in which the record had been made, to be a true copy from the records thereof, and the copy thus registered shall have the same effect from and after the date of such new registry as if it were a record of the original deed.

SECT. 2. This act shall take effect when approved. [Approved February 22, 1869.]

Chapter 25.

AN ACT additional to chapter eighteen of the Revised Statutes.

Section twenty-four of chapter eighteen of the revised statutes is amended to read as follows:

"SECT. 24. In petitions for increase of damages on account of such ways, the like proceedings may be had, and the rights of the parties may be determined as provided for like purposes respecting highways."

When it appears by the reports of municipal officers, by the records of towns or by the records of commissioners, that notice was not given as required, such petitions may be filed with the clerk of the commissioners within two years after a final decision, and in all other cases such petitions may be filed with said clerk within one year after a final decision."

[Approved February 22, 1869.]

Chapter 26.

AN ACT regulating the sale of milk.

SECT. 1. The mayor and aldermen of cities, and the selectmen of towns, may annually appoint one or more persons to be inspectors of milk, provided such city or town contain not less than three thousand inhabitants, who shall, before entering upon the discharge of the duties of their office, be sworn. Each inspector shall give notice of his appointment, by publishing the same, two weeks in a newspaper, published in his city or town, or if no newspaper is published therein, by posting up such notice, in two, or more public places in said town.

SECT. 2. The inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons engaged in the sale of milk within their limits. They may enter any place where milk is kept, or stored for sale, and examine all carriages used in the conveyance of the same, and whenever and wherever they have reason to believe any milk found therein is adulterated, they shall take specimens thereof, and cause the same to be analyzed, or otherwise satisfactorily tested, the result of which they shall preserve as evidence, and shall prosecute for all violations of the provisions of section third and fourth. They shall receive such compensation, as the mayor and aldermen, or selectmen may determine.

SECT. 3. All measures, cans or other vessels used in the sale of milk shall annually be sealed by the sealer of weights and measures, by wine measure, and all measures, cans or vessels shall be marked by the sealer with figures indicating the quantity which they hold, and whoever sells by any other measure, can or vessel, than before provided, shall forfeit twenty dollars for each offence.

SECT. 4. Whoever knowingly, or wilfully sells or offers for sale, milk from diseased or sick cows, or milk produced from cows fed upon the refuse of breweries or distilleries, or upon any substance deleterious to the quality of the milk, or adulterated milk, or milk to which water is added, or any foreign substance, shall forfeit twenty dollars for the first offence, and fifty dollars for every subsequent offence; and whoever, in the employment of another knowingly violates the provisions of this section, shall be held equally guilty with the principal, and be liable to the same penalties, to be recovered by complaint or indictment before any court having jurisdiction of the same.

SECT. 5. All penalties under this act shall be recovered for the benefit of the town or city where the offence is committed. [Approved February 23, 1869.]

Chapter 27.

AN ACT fixing the time in which banks surrendering their charters shall close up their affairs and redeem their bills.

SECT. 1. Any bank which has or may hereafter surrender its charter under the laws of this State, shall be allowed the time of six years after filing notice of such surrender in the office of the secretary of state, in which to wind up its affairs, and after, but not before, the expiration of said time, the liability of any such bank to redeem its outstanding circulation shall cease, excepting such banks as may be in the hands of receivers; provided no bills of such bank shall have been put in circulation after filing notice of the surrender of its charter, as aforesaid, which fact is to be determined by the sworn statement of the cashier of such bank.

SECT. 2. The secretary of state shall annually in the month of March, publish an official list of such banks, the liability of which to redeem its bills will expire within one year from the date of such public action; the same to be inserted in some paper published in Portland, Lewiston, Bangor, Bath, Augusta, and such other places as the governor and council may direct.

SECT. 3. This act shall take effect when approved. [Approved February 23, 1869.]

Chapter 28.

AN ACT to amend section fourteen of chapter one hundred and twenty-two of the Revised Statutes, relative to the safety of prisoners.

SECT. 1. Section fourteen of chapter one hundred and twenty-two of the revised statutes, is hereby amended, by inserting after the word "attempted" in the fifth line of said section, and before the words

"shall be punished," the following words, "or who ever secretes, or with a design to aid the prisoner in his escape, harbors, or with such design in any way assists such prisoner that has escaped, or is at large," so that the section, as amended, shall read as follows:

"SECT. 14. Whoever forcibly rescues any prisoner lawfully detained for any criminal offence; conveys into any jail or other place of confinement any disguise, arms, instruments, or other things adapted and intended to aid, or in any way aids him to escape, though such escape is not effected or attempted; or whoever secretes, or with a design to aid the prisoner in his escape, harbors, or with such design in any way assists such prisoner that has escaped, or is at large, shall be punished, if such prisoner was in custody for any felony, by imprisonment not less than one year nor more than seven years; and if for any other offence, by imprisonment less than one year and by fine not exceeding five hundred dollars."

SECT. 2. This act shall take effect when approved. [Approved February 23, 1869.]

Chapter 29.

AN ACT to amend chapter six of the Revised Statutes relating to taxation.

SECT. 1. The second specification of the sixth section of chapter six of the revised statutes, is hereby amended by striking out all after the word "second" to and including the word "institutions," in the fourth line, and inserting the following words: "all property which by the articles of separation is exempted from taxation; the real and personal property of all literary institutions," so that said specification as amended shall read as follows: "Second, All property which by the articles of separation is exempted from taxation; the real and personal property of all literary institutions, and the real and personal property of all benevolent, charitable, and scientific institutions incorporated by this state."

SECT. 2. This act shall take effect when approved. [Approved February 23, 1869.]

Chapter 30.

AN ACT additional to "An Act concerning the militia."

SECT. 1. There shall be organized, under the direction of the governor of this state, a number of companies not exceeding ten, of uniformed volunteer militia, of the organization prescribed in section twenty-five of an act entitled "An act concerning the militia," approved February twenty-third, one thousand eight hundred and sixty-five, the same to be under the government of the present laws and regulations concerning the militia.

SECT. 2. These companies shall be selected from the volunteer companies making application for organization under this act, which shall have conformed to the requirements under existing military laws, and shall be selected from such locations as in the judgment of the governor of this state are most in need of military companies for safety and order, and best calculated for the support and maintenance of military organizations.

SECT. 3. These companies shall be armed, uniformed and equipped at the expense of the state, according to the existing regulations of the United States army, under which clothing is issued to the enlisted men of the United States army, with the following modification: "The state shall supply a coat, cap, overcoat and pantaloons to each soldier, but each company shall have liberty to choose and provide its own uniform, with the consent and approval of the governor, and in such case the price of the United States army uniform, not issued, shall be commuted to the soldier in money, such commutation to be paid by the paymaster-general and receipted for upon the company rolls." The above enumerated articles of clothing, or commutation in lieu thereof, shall be supplied once in three years.

SECT. 4. There shall be not less than four annual inspections of said companies, such inspections to be preceded by a review and such drill in the tactics as may be directed by the inspecting officer.

SECT. 5. The existing regulations and provisions for the government of the militia, with regard to drill, payment, muster, and encampment, shall be applicable to the uniformed volunteer militia.

SECT. 6. This act shall take effect when approved. [Approved February 23, 1869.]

Chapter 31.

AN ACT to continue in force chapter one hundred and seventy, public laws eighteen hundred and sixty-eight, entitled "An Act authorizing pensions for disabled soldiers and seamen."

SECT. 1. The provisions of chapter one hundred and seventy, public laws eighteen hundred and sixty-eight, are hereby continued in force for one year from the twenty-third day of February, eighteen hundred and sixty-nine.

SECT. 2. This act shall take effect when approved. [Approved February 24, 1869.]

Chapter 32.

AN ACT to amend sections sixteen and eighteen of chapter five of the Revised Statutes, relating to the Public Lands.

SECT. 1. Section sixteen of chapter five of the revised statutes is hereby amended by striking out the words "of the county," in the seventh line of said section, so that said section as amended shall read as follows:

"SECT. 16. When in the grant of townships or parts thereof, there are certain proportions of them reserved for the use of such townships, or for public uses, and they have not been lawfully located in severalty by the grantee, for the purposes expressed in the grant, the supreme judicial court in the county where the land lies, on application of the land agent, may appoint three disinterested persons, and issue their warrant, under the seal of the court, to them, requiring them, as soon as may be, to locate in separate lots, the proportions reserved for such purposes, and to designate the use for which each lot is so reserved and located, such lots to be of an average quality with the residue of the lands therein."

SECT. 2. Section eighteen of said chapter is hereby amended by inserting after the word "town," in the fifth line, the words "if so ordered by the court," so that said section, as amended, shall read as follows:

"SECT. 18. They shall also give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state to be designated by the court, and by posting up written notifications in two or more public places in the same plantation or town, if so ordered by the court, at least thirty days next prior to their meeting."

SECT. 3. Any locations already made shall be held valid the same as if these amendments had formed a part of the original statutes.

SECT. 4. This act shall take effect when approved. [Approved February 26, 1869.]

Chapter 33.

AN ACT to amend section thirteen of chapter one hundred and forty-three of the revised statutes.

SECT. 1. Section thirteen of chapter one hundred and forty-three of the revised statutes is hereby amended in the sixth line thereof, by adding after the words "one dollar," the words "and fifty cents," so that said section as amended, shall read as follows: "The officers ordering the commitment of a person unable to pay for his support, may certify in writing to the superintendent that fact, and that he has no relatives liable, and of sufficient ability to pay for it; and if the superintendent is satisfied that such certificate is true, the treasurer of the hospital may charge to the state one dollar and fifty cents per week for his board, and deduct it from the charge made to the patient or town for his support."

SECT. 2. This act shall take effect when approved. [Approved February 26, 1869.]

Chapter 34.

AN ACT relating to licenses granted by a Judge of Probate for sale of real estate.

When the time in a license to sell real estate, which has been granted by a judge of probate, on petition, and after public notice, has expired, a new license for the sale of the whole or a part of the same real estate for the same purposes, may be granted with or without notice, at the discretion of the judge, on filing a new bond, as in the case of the original license. [Approved February 26, 1869.]

Chapter 35.

AN ACT to increase the bounty for killing Bears.

SECT. 1. A bounty of five dollars for every bear killed in any town in this state shall be paid by the treasurer thereof, to the person killing it, on his complying with the provisions set forth in chapter thirty, section six of the revised statutes.

SECT. 2. All acts and parts of acts inconsistent with the foregoing section of this act are hereby repealed. [Approved February 26, 1869.]

Chapter 36.

AN ACT to amend chapter twelve, section seventeen of the revised statutes.

SECT. 1. Section seventeen, chapter twelve of the revised statutes, is hereby amended by inserting after the word "church," in the first line, the words, "the stewards of the methodist episcopal church," so that the said section, as amended, shall read as follows:

"SECT. 17. The church wardens of episcopal churches, the stewards of the methodist episcopal church, and the deacons of all other protestant churches, are so far corporations as to take in succession, all grants and donations of real and personal estate, made to their churches or to them and their successors; and if the ministers, elders or vestry are joined with them in such grants or donations, the two classes of officers shall be corporations for that purpose."

SECT. 2. This act shall take effect when approved. [Approved February 26, 1869.]

Chapter 37.

AN ACT to regulate the taking of Porgies or Menhaden in the waters of Maine.

SECT. 1. No person shall set or use any seine within three miles of the shore, in any waters of this state, for the purpose of taking menhaden or porgies, under a penalty of not less than one hundred nor more than five hundred dollars, and the forfeiture of all vessels, boats, craft and apparatus employed in such unlawful fishing, for each offence; but a net of no more than one hundred and forty meshes deep, shall not be deemed a seine.

SECT. 2. Any person who shall cast or deposit, or cause to be thrown or deposited into any of the navigable waters of this state, any pumice, scraps or other offal arising from the making of oil or silvers for bait from menhaden or herring, shall pay a fine of not less than fifty, nor more than one thousand dollars for each offence.

SECT. 3. All vessels, boats, crafts and apparatus of any kind, employed in violation of any of the provisions of this act, shall be liable for any fines and cost, and it shall be lawful for any person or persons to seize and detain said property, not exceeding thirty-six hours that the same may be attached by due process of law, to satisfy any judgment that may be rendered in the suit.

SECT. 4. All penalties and forfeitures named in this act may be recovered in an action of debt in the name and to the use of the county, or in the name of any person suing therefor; one half of such fine and forfeiture to be paid to the person prosecuting, and the other half to the county where the offence is committed.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 6. This act shall take effect when approved. [Approved February 27, 1869.]

Chapter 38.

AN ACT to amend section forty-three of chapter seventy-six of the revised statutes, relating to the levy of execution against the estates of deceased persons.

SECT. 1. Section forty-three of the seventy-sixth chapter of the revised statutes is hereby amended by inserting after the word "lifetime," the following words, to wit: "unless the estate of such deceased person shall have been represented insolvent, and a commission of insolvency issued thereon before such levy shall have been made." So that as amended the first period of said section shall read:

"SECT. 43. The real estate of deceased persons

may be taken for payment of his debts, by an execution issued on a judgment recovered against his executor or administrator, and levied on, sold and redeemed, as if taken in his lifetime, unless the estate of such deceased person shall have been represented insolvent, and a commission of insolvency issued thereon before such levy shall have been made."

SECT. 2. In all cases a commission of insolvency, issued by the probate court on the estate of deceased persons before levy or satisfaction of execution, shall vacate attachments.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed. [Approved March 2, 1869.]

Chapter 39.

AN ACT relating to school district taxes assessed and collected without authority of law.

All the provisions of section ninety-eight of the sixth chapter of the revised statutes and any and all other statutes relating to the same subject shall apply to the case of taxes assessed by or for school districts, so far as the same are applicable; provided that the school district and not the town shall be liable in the case herein specified. [Approved March 3, 1869.]

Chapter 40.

AN ACT providing for reviews in criminal cases.

SECT. 1. The supreme judicial court held by one justice, may grant reviews in criminal as well as civil cases, upon the discovery of new and important evidence, and when in the opinion of said court there is reasonable doubt of the guilt of any person convicted and sentenced in any judicial tribunal, provided a petition therefor is presented within six years after such conviction and sentence.

SECT. 2. Such petition may be presented in any county, and notice be there ordered returnable in the county where such person was convicted. Such reasonable notice shall be given to the state attorney for said county, or to the attorney-general, or both, as the court orders.

SECT. 3. Whenever a review is granted in a criminal case, if in the opinion of the court there may be difficulty in obtaining a jury of ability and impartiality in the county where the case was previously tried, by reason of prejudice, the formation or expression of opinion in relation to the guilt or innocence of the accused, or for any other reason, the court may order a change of venue to such other county as the court may deem best; and when a change of venue is so ordered, the case shall be transferred to such other county and shall be there entered and tried in the same manner as if the offence charged had been committed in said county, but the expense incurred by such county shall be refunded by the county from which the case is transferred.

SECT. 4. On the trial of any such review the court shall have power to issue any process necessary to bring such convicted person into court for trial, and if the jury shall by their verdict acquit the prisoner, such verdict shall render null and void the former conviction and sentence, and the accused shall be discharged from custody; but if the jury shall convict the prisoner, upon final judgment, sentence shall be awarded anew according to the requirements of the law and with due regard to any penalty or partial punishment suffered by the convict under the former sentence; and if the jury shall fail to agree upon the first trial or such further trial or trials as the court shall order, the convict shall be returned to prison to serve out or suffer the sentence awarded under the former conviction.

SECT. 5. Whenever a review is granted in any case where the offence charged is punishable with death, it shall be the duty of the chief justice to preside at the trial, if thereto requested by the accused or his counsel fourteen days prior to the time appointed for said trial.

SECT. 6. Whenever it shall appear on the trial of any review in a criminal case that any witness who testified in the former trial has deceased, the testimony of such deceased witness, given at the former trial, may be proved by either party, and shall be competent evidence.

SECT. 7. This act shall take effect when approved. [Approved March 3, 1869.]

Chapter 41.

AN ACT to amend chapter two hundred twenty-five of the public laws of eighteen hundred sixty-eight, in relation to the equalization of municipal war debts.

SECT. 1. That the fourth section of chapter two hundred twenty-five of the public laws of the year eighteen hundred sixty-eight, is hereby amended by striking out the word "April," in the second sentence, and inserting the word "October," so that said sentence as amended shall read "said bonds to be dated October first, in the year of our Lord one thousand eight hundred sixty-nine, reimbursable in twenty years from that date, and bearing interest at the rate of six per cent a year, payable both principal and interest in Boston, or at the treasury of Maine, at the option of the holder; and the treasurer is hereby authorized to issue bonds therefor in sums not less than one hundred dollars each, with coupons for the interest, payable semi-annually."

SECT. 2. This act shall take effect when approved. [Approved March 3, 1869.]

Chapter 42.

AN ACT to amend chapter twenty-six of the Revised Statutes, relating to the prevention of fires.

SECT. 1. The provisions of sections nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter twenty-six of the revised statutes, are extended to include petroleum, coal oils, burning fluids, naphtha, benzine and all explosive or illuminating substances which the municipal officers of towns and cities shall adjudge dangerous to the lives or safety of citizens.

SECT. 2. This act shall take effect when approved. [Approved March 3, 1869.]

Chapter 43.

AN ACT to amend section thirty-nine of chapter eleven of the revised statutes, relating to the assessment of taxes for school districts therein.

SECT. 1. Section thirty-nine of chapter eleven, of

the revised statutes, is hereby amended, so as to read as follows:

"SECT. 39. When a district votes to raise money for any legal purpose, its clerk shall forthwith, or within the time prescribed by the district, certify the amount thereof to the assessors of the town, and the time when raised; and within thirty days after receiving such certificate, they shall assess it, as they do town taxes, on the polls and estates of the residents and owners in the district at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the district. They shall then make their warrant in due form of law, directed to any collector of their town, or of the district, if any, if not, to a constable, authorizing and requiring him to levy and collect such tax and pay it, within the time limited in the warrant, to the town treasurer; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes."

SECT. 2. This act shall take effect when approved. [Approved March 4, 1869.]

Chapter 44.

AN ACT regulating recognizances in criminal cases continued for the determination of questions of law.

Whenever in the progress of any proceeding in a criminal case, upon indictment or complaint, questions of law arise requiring the decision of the justices of the supreme judicial court sitting as a court of law, the defendant may in all cases where the offence charged is bailable, recognize with sureties in such sum as the court may order, and the condition of such recognizance shall be substantially as follows:

The condition of this recognizance is such that whereas there is now pending in the _____ court within and for the county of _____ an indictment against the said _____ for the crime of _____, in the course of the proceedings upon which questions of law requiring the decision of the justices of the supreme judicial court have arisen; now if the said _____ shall personally appear before the said _____ court, to be held in and for said county from term to term, until and including the term of said court next after the certificate of decision shall be received from said justices, and shall abide the decision and order of said _____ court, and not depart without license, then this recognizance shall be void. [Approved March 5, 1869.]

Chapter 45.

AN ACT to give the Supreme Judicial Court further jurisdiction in matters of Divorce.

The supreme judicial court shall have jurisdiction in all matters of divorce, to be exercised in the manner prescribed in the sixtieth chapter of the revised statutes, and in any and all other statutes relating to such matters, if the party applying for divorce, at the time of preferring his or her libel, shall have been a resident of this state in good faith for the period of one year. [Approved March 5, 1869.]

Chapter 46.

AN ACT to amend chapter two hundred and thirty-three of the public laws of eighteen hundred and sixty-four, relating to collection of penalties against selectmen for not using the check list.

SECT. 1. Section three of chapter two hundred and thirty-three of the public laws of the year one thousand eight hundred and sixty-four, is hereby amended so as to read as follows:

"SECT. 3. Any penalty provided for in the two preceding sections hereof, or in said chapter four of the revised statutes, or in the act additional thereto, approved February twenty-second, in the year one thousand eight hundred and fifty-eight, in case the treasurer refuses or neglects for ten days after written request of any voter to commence a suit therefor, may be recovered by said voter in a suit in his own name, to the same uses as specified in said chapter."

SECT. 2. This act shall take effect when approved. [Approved March 5, 1869.]

Chapter 47.

AN ACT to amend section one of chapter one hundred and fifteen of the public laws of eighteen hundred and sixty-seven, establishing the times of holding the several terms of the supreme judicial court.

SECT. 1. The first section of said act is hereby amended by striking out after the word "the" in the seventh line the words "first Tuesday of December," and inserting in place thereof the words "third Tuesday of June," so that said section as amended shall read as follows:

"SECT. 1. There shall be annual sessions of the supreme judicial court as a court of law, as follows: For the middle district, at Augusta, on the fourth Tuesday of May. For the western district, at Portland, on the third Tuesday of July. For the eastern district, at Bangor, on the third Tuesday of June."

The first term held under the provisions of this section in each district shall have full cognizance of all suits, processes, matters and things that but for the provision of this act would have come before the first term in such district hereby abolished.

By consent of parties any action or other matter which properly comes before the law court, may be entered and heard in either judicial district, and shall be in order after the regular business of the district is disposed of. [Approved March 5, 1869.]

Chapter 48.

AN ACT to amend chapter two hundred and nineteen of the Public Laws of eighteen hundred and sixty-eight relating to the settlement of paupers.

SECT. 1. The first section of chapter two hundred and nineteen of the public laws of eighteen hundred and sixty-eight entitled "An Act to repeal the twenty-second section of chapter twenty-four of the revised statutes," is hereby amended by adding to said section the following words: "And the state in like manner shall reimburse towns that may furnish relief to paupers that have no legal settlement in any town in this state, and have removed from an unincorporated place." So that said section as amended shall read as follows:

Section twenty-two of chapter twenty-four of the revised statutes is hereby repealed and the following section is hereby substituted.

Persons living in places not incorporated and needing relief are under the care of the overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall furnish relief to such persons in the same manner as though they were found in such town; and such overseers may bind to service the children of such persons as they may those of paupers of their own town, and may bind out persons described in section twenty in the manner therein provided residing in such unincorporated place, as if in their own town, such person being entitled to a like remedy and relief. Where relief is provided for paupers residing in such places the towns furnishing it are entitled to the same remedies against the towns where they have a settlement as if such persons resided in the town where the relief is afforded. And if such paupers have no legal settlement in any town in this state, then the state shall reimburse to the town affording relief the amount paid out and expended, or such portion thereof as the governor and council may adjudge to have been judiciously expended. And the state in like manner shall reimburse towns that may furnish relief to paupers that have no legal settlement in any town in this state, and have removed from an unincorporated place.

SECT. 2. This act shall take effect when approved. [Approved March 5, 1869.]

Chapter 49.

AN ACT to repeal section thirteen and to amend section fourteen of the revised statutes, relating to the destruction of game.

SECT. 1. Section thirteen of chapter thirty of the revised statutes is hereby repealed.

SECT. 2. Section fourteen of chapter thirty of the revised statutes is hereby amended by striking out the words "after he has had reasonable opportunity given him by the warden to show that said animal was lawfully killed, and has neglected to do so," so that said section shall read as follows: "If any person has in his possession the carcass or hide of any such animal, within the times herein forbidden, he shall be deemed to have hunted and killed the same contrary to law, and be liable to the penalties aforesaid; but he shall not be precluded from producing proof in defence."

SECT. 3. This act shall take effect when approved. [Approved March 8, 1869.]

Chapter 50.

AN ACT to provide for the more effectual protection of fruit growers against trespassers.

SECT. 1. Any person who shall at any time enter upon any orchard, fruit garden, vineyard, or any field or enclosure wherein is cultivated any domestic fruit whatever, and which is kept for such purpose, without the consent of the owner or occupant thereof being previously had and obtained, and with intent to take, or destroy, or injure anything there growing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section two.

SECT. 2. Any person who shall wilfully cut down, destroy, or in any way injure any tree, shrub, or vine, within any enclosure or field wherein is cultivated any domestic fruit whatever, and which is kept for such purpose, or shall injure any building, trellis, frame work, or any appurtenance belonging to or upon any such field or enclosure, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of twenty dollars and costs and imprisonment not less than thirty days, and in default of payment of said fine and costs to be imprisoned as provided in section four.

SECT. 3. It shall be lawful for the owner of any orchard, fruit garden, vineyard, or any field or enclosure wherein is cultivated any fruit whatever, or for any person employed in the cultivation of or rightfully in the possession of any such field or enclosure, to arrest and convey before any magistrate of the county wherein such arrest is made, any person who may be found violating any or either of the provisions of this act.

SECT. 4. All fines imposed under the provisions of this act, when collected shall be paid to the overseers of the poor, for the use of the poor of the city, town or plantation in which conviction is had, and on non-payment of any such fine, the defendant shall be committed to the common jail of the county for a period of not less than thirty days, and at the rate of two days for each dollar of the amount of the said fine and costs in addition thereto.

SECT. 5. This act shall take effect when approved. [Approved March 8, 1869.]

Chapter 51.

AN ACT in addition to and amendatory of section three, chapter one hundred and three of the public laws of eighteen hundred sixty-two, relating to change of school-books.

Any person or persons violating the provisions of section three, chapter one hundred and three of the public laws of eighteen hundred and sixty-two, shall be punished by fine not exceeding five hundred dollars, to be recovered in an action of debt, on the complaint of any school official or person aggrieved. [Approved March 9, 1869.]

Chapter 52.

AN ACT to amend section second, chapter one hundred and thirty of the acts of eighteen hundred sixty-two, relating to the purchase of intoxicating liquors by towns.

SECT. 1. Section second, chapter one hundred thirty of the acts of eighteen hundred sixty-two is hereby amended, by striking out of said section all after the words "person or persons" in the ninth line, so that it shall read as follows:

"SECT. 2. Immediately after appointing such commissioner, the governor shall issue to the municipal officers of the several cities, towns and plantations of this state, a notice of the name and place of business of said commissioner; and it shall be the duty of such municipal officers, to purchase such intoxicating liquors, as they may keep on sale for the purpose specified in this act, of such commissioner, or of such other municipal officers as have purchased such intoxicating liquors of said commissioner, and of no other person or persons; provided that the commissioner appointed under the provisions of this act,

shall be a citizen of Maine, and shall keep his place of business in this State. [Approved March 10, 1869.]

Chapter 53.

AN ACT to amend chapter forty-nine of the revised statutes in relation to Insurance Companies.

SECT. 1. Section second of chapter forty-nine of the revised statutes is hereby amended, by inserting the words "not less than" before the word "seven" in the second line, so as to read as follows, viz:

"SECT. 2. The business of every such company shall be managed by not less than seven directors, who shall choose one of their number president; hold their offices one year, and until others are chosen in their stead, and be stockholders in said company, and citizens of this state."

SECT. 3. This act shall take effect when approved. [Approved March 10, 1869.]

Chapter 54.

AN ACT to amend chapter one hundred and sixty-five, relating to taxable property.

SECT. 1. Section one of chapter one hundred and sixty-five of the public laws of the year 1868, is hereby amended so as to read as follows:

"SECT. 1. The first division of section eleven of chapter six of the revised statutes, is hereby amended, so as to read as follows: All goods, wares and merchandise; all logs, timber, boards and other lumber, and all stock in trade, including stock employed in the business of any of the mechanic arts in any town within this state other than where the owners reside, shall be taxed in such town if the owners, their tenants, or any person contracting under them for the building of any house, shop, store or vessel, occupy any store, shop, mill, wharf, landing or shipyard therein, for the purpose of such tenancy or contract, and shall not be taxable where the owner or owners reside, if in this state; but if the owner or owners reside out of this state they shall be taxed as hereinbefore provided."

SECT. 2. This act shall take effect when approved. [Approved March 10, 1869.]

Chapter 55.

AN ACT to prevent fraud in the sale of commercial manures.

SECT. 1. Commercial manures sold or kept for sale in this state shall have affixed to every barrel, bag or parcel thereof which may contain fifty pounds or upwards, a printed label, which shall specify the name of the manufacturer or seller, his place of business and the per centage which it contains of the following constituents, to wit: of soluble phosphoric acid, of insoluble phosphoric acid, and of ammonia.

SECT. 2. Whoever sells or keeps for sale commercial manures not labelled in accordance with the provisions of the first section of this act, or who shall affix thereto labels specifying a larger per centage of the constituents mentioned in said first section, or either of them, than is contained therein, shall be punished by a fine of ten dollars for the first, and twenty dollars for the second and each subsequent offence; to be recovered on complaint before any tribunal of competent jurisdiction.

SECT. 3. Any purchaser of commercial manures bearing label, as provided for by the first section of this act, and which contains less than the percentage stated in said label, may recover from the seller, in an action for debt, twenty-five cents for every pound of insoluble phosphoric acid; six cents for every pound of soluble phosphoric acid, and thirty-five cents for every pound of ammonia deficient therein.

SECT. 4. By the term soluble phosphoric acid, wherever used in this act, is meant phosphoric acid in any form or combination readily soluble in pure water; and by the term insoluble phosphoric acid, is meant phosphoric acid in any combination which requires the action of acid upon it to cause the same to become readily soluble in pure water.

SECT. 5. The provisions of this act shall not apply to porgy chum, nor to any manure prepared exclusively from fish and sold as such, nor to any other commercial manure which is sold at a price not exceeding one cent per pound.

SECT. 6. This act shall take effect on the first of July next. [Approved March 10, 1869.]

Chapter 56.

AN ACT to render valid certain doings of towns in voting commutations.

SECT. 1. The past acts and doings, regular in form, of cities, towns and plantations, in offering, paying, agreeing to pay, and in raising and providing the means to pay commutations to drafted men, and all notes and town orders given by the municipal officers of any city, town or plantation, in pursuance of a previous vote at a meeting regularly called and held, for the benefit of drafted men, are hereby made valid.

SECT. 2. All contracts heretofore made by the municipal officers of any city, town or plantation, that has voted at meetings called and held to raise money to pay commutations thus voted, and all contracts heretofore made by said officers, or their duly authorized agents, with third persons, corporations or associations, for the purpose of raising means to pay such commutations so voted, are hereby made valid.

SECT. 3. All contracts heretofore made by such municipal officers, or by third persons, in behalf of any city, town or plantation, but without previous authority therefor, to pay commutations to such drafted men, or to raise money to pay such commutations, may be ratified or confirmed by said city, town or plantation.

SECT. 4. The doings of any city, town or plantation, in voting to pay, or in raising money to pay commutations, may be ratified and confirmed by said city, town or plantation.

SECT. 5. All taxes that have been assessed to raise funds to pay commutations or to fulfil contracts for the objects named in this act are hereby made valid.

SECT. 6. Nothing in this act shall affect in any way the equalization of municipal war debts.

[Approved March 11, 1869.]

Chapter 57.

AN ACT repealing section five of the act entitled "An Act additional to an act concerning the militia," approved February twenty-three, eighteen hundred and sixty-nine.

SECT. 1. Section five of the act entitled "An Act

additional to an act concerning the militia," approved February twenty-three hundred and sixty-nine, is hereby repealed.

SECT. 2. This act shall take effect when approved.
[Approved March 11, 1869.]

Chapter 58.

AN ACT to amend chapter two hundred and seven of the public laws of eighteen hundred and sixty-eight, relating to liens of mechanics.

SECT. 1. Section one of chapter two hundred and seven of the public laws of eighteen hundred and sixty-eight, is amended by striking out in the seventh and eighth lines the words, "shall continue ninety days after payment becomes due and," and inserting the word "lien," so that the section, as amended, shall read as follows:

SECT. 1. A person who performs or furnishes labor or materials for erecting, altering or repairing a house, building or appurtenances, by virtue of a contract with or by consent of the owner, shall have a lien thereon, and on the lot of land on which it stands, or on any interest such owner has in the land or in the equity of redemption, if under mortgage, to secure payment of such lien, and of the costs of its enforcement, which lien may be enforced by attachment; and if a levy is made thereon, the appraisers may set out to the creditor a suitable lot for such building, if they think the whole not needed therefor.

SECT. 2. Sections four and five of the same chapter shall not apply to contracts wherein the owner of houses, buildings and appurtenances is purchaser or employer.
[Approved, March 11, 1869.]

Chapter 59.

AN ACT providing for the establishment of true meridian lines, and for regulating the practice of surveying in this State.

SECT. 1. It shall be the duty of the county commissioners of each county of the state within two years from and after the passage of this act, or in case any new county shall be formed at any time hereafter, then within six months of the time when the act creating such new county shall have become a law, to erect on some land belonging to the county, or on such land as the commissioners may hereafter acquire for that purpose, at such place or places in the several counties as the public convenience and necessities may require, a true meridian line or lines, to be perpetuated by substantial stone posts, or pillars, upon whose summits there shall be firmly and immovably fixed, brass or copper points to indicate the true range of such meridian, and to enclose and protect the same; the said posts or pillars to be and to remain the property of the county wherein the same shall be located, under the custody and care of the clerk of the courts of said county, to be free to the access of any surveyor or civil engineer residing in said county, or engaged in surveying therein, for the purpose of testing the variation of the compass for the time being; and the expense attending the same shall be assessed by the commissioners and paid from the treasury of the several counties.

SECT. 2. It shall be the duty of every land surveyor in the state, at least once in every year, to adjust and verify his compass by the meridian line so established in the county wherein his surveys are to be made, and to insert in his field notes the true, as well as the magnetic bearings of the lines of his surveys, and the day on which the lines were run.

SECT. 3. It shall be the duty of the commissioners of the several counties, aforesaid, to procure a book of records to be kept by the clerk of the courts, or any person appointed by the county commissioners to keep said book of records more conveniently situated to the place where said meridian line is established, and to be accessible to all persons wishing to refer thereto; and every surveyor, on having adjusted his compass, as aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and shall subscribe his name thereto, for future reference.

SECT. 4. Any surveyor who shall neglect or refuse to comply with the provisions of sections second and third of this act shall, for every such neglect or refusal, pay the sum of ten dollars on complaint made by any person interested in such survey before any trial justice in the county where such survey is made, one half to the person making the complaint, and the other half to the county; provided however, that no surveyor, while having his residence upon an island unconnected by a passable bridge with the main land and within the jurisdiction of the state, shall be required to go beyond the limits of such island to verify his compass for the purpose of making surveys of land thereon, at any time prior to the legal establishment of a true meridian line upon such island, whereby the variation of his compass may be compared and adjusted.

SECT. 5. On the erection of the posts, or monuments, by the county commissioners for their respective counties, as aforesaid, it shall be the duty of the governor and council to appoint some competent person, as commissioner, to inspect and verify, by astronomical observations, the meridian lines so established, who shall make a report of his doings therein, with a full and accurate description of the monuments, the latitude and longitude of the same, also the declination of the needle, for the time being, upon each of the said meridian lines, and deposit a record thereof with the clerk of the courts in each of the counties aforesaid; and the said commissioner shall be paid for his services such compensation as by the governor and council may be deemed equitable and just.

SECT. 6. Any person or persons who shall willfully displace, alter, deface, destroy, or otherwise injure any of the monuments or points by which such meridian lines shall be marked, or shall destroy, break down, or carry away the enclosure aforesaid, or any lock, bar, bolt, or any part thereof, the said person or persons so offending shall be punished, upon complaint and conviction before any court of competent jurisdiction, by fine not exceeding one hundred dollars, one half to be paid to the complainant, and the other half to the county wherein such offence may have been committed.
[Approved March 11, 1869.]

Chapter 60.

AN ACT relating to evidence.

SECT. 1. Neither party to the record shall be excused or excluded from testifying in the trial of any action against any executor or administrator, if the party, in whose name the suit is prosecuted, is nominal only, having no interest in the subject matter of the suit, or had assigned, or disposed of his interest during the lifetime of the executor's testator or the administrator's intestate.

SECT. 2. Any act inconsistent herewith is so far repealed, and this act shall be in force from its approval.
[Approved March 12, 1869.]

Chapter 61.

AN ACT relating to savings banks and savings institutions.

SECT. 1. Savings banks and savings institutions shall exercise the powers and be subject to the duties, liabilities and provisions of this act and of their respective charters, and of the general law of the state, respecting corporations, except as otherwise provided.

SECT. 2. The members of the corporation shall annually, at such times as may be provided in their by-laws, elect from their number five trustees, who shall have the entire supervision and management of the affairs of the institution, except so far as may be otherwise provided by their by-laws. The members may also, at any legal meeting of the corporation, by a majority of at least two-thirds of those present, by ballot, fill any vacancies that may occur in their number, and may add new members in the same manner if they see fit. Members removing from the state shall thereupon cease to be such.

SECT. 3. The trustees, immediately after their election and qualification, shall elect one of their number for president who shall also be president of the corporation. They shall also elect a treasurer, and when in their opinion necessary, an assistant treasurer. The treasurer, and in his absence the assistant treasurer, (if there be one,) shall be ex officio clerk of the corporation, and also of the trustees. Said treasurer and assistant shall both be subject to removal at the will of the trustees. They shall give bonds to the corporation for the faithful execution of the duties of their respective offices in such sums respectively as the trustees may decide to be necessary for the safety of the funds. All said officers shall be under oath faithfully to perform the duties of their office. The treasurer and assistant shall receive a compensation, to be fixed by the trustees, but the trustees shall perform their duties gratuitously.

SECT. 4. The trustees shall as often as once in every six months, thoroughly examine the affairs of the corporation and settle the treasurer's account, and ascertain the true state of both, an accurate record of which shall be kept for the inspection of any member of the corporation.

SECT. 5. It shall be the especial duty of the trustees to see to the proper and safe investment of deposits and funds of the corporation, which investment may be made in whatever manner the trustees shall regard perfectly safe, except that no loan shall be made on security of names alone, nor shall any loan be made directly or indirectly to any one of the trustees, or any firm of which he is a member.

SECT. 6. The net income or earnings of the corporation, after deducting the sum herein funded for a reserved fund, shall be divided semi-annually at such times as may be fixed by the by-laws among the depositors of three months standing at least before dividend day, or their representatives, ratably; but the corporation may by their by-laws include deposits of less standing. But no fractional percentage less than one quarter shall be adopted. Any balance of earnings shall be carried to new account for next dividend. No deposit shall be received under any agreement to pay any specified sum, interest or dividend, for its use.

SECT. 7. Before making any such dividend, the trustees shall set apart from the earnings a sum equal to one half per cent. per annum, viz: one quarter per cent. for each six months, for a reserved fund, not subject to be divided, but kept constantly on hand to secure against losses and contingencies until the said reserved fund amounts to five per cent. of their assets. All losses shall be passed to the debit of said account.

SECT. 8. The treasurer has full power to assign, discharge and foreclose mortgages held by the corporation and convey real estate held as security for loans, or the title of which accrued from foreclosure of mortgages. But he shall have no power to convey lands held under section six without a vote of the trustees.

SECT. 9. The trustees shall cause all real estate of an insurable character held by them absolutely or in mortgage to be fully insured, the expense of which in case of mortgage, shall be added to the amount of the mortgage debt to be refunded in case of redemption.

SECT. 10. Money deposited by married women shall be paid to the person in whose name the deposit is made, or to the order of such person.

SECT. 11. The treasurer shall annually make to the bank examiner a report under oath of the standing of the corporation, the situation of its funds, and all other matters which the examiner shall require, according to such form as he may prescribe. And for that purpose the examiner shall seasonably furnish the treasurer with proper blanks, which shall be fully answered by the treasurer.

SECT. 12. No officer of the corporation shall use or appropriate any of its funds to his own private purposes, under the penalty imposed by law for embezzlement.

SECT. 13. This act shall go into effect on the first day of July next.
[Approved March 12, 1869.]

Chapter 62.

AN ACT to repeal all laws relating to the filing of specifications of defence.

SECT. 1. Section eighteen of chapter eighty-two of the revised statutes is hereby amended by striking out all after the word "statement" in the fourth line of said section, and by striking out the words "on leave" in the third line of said section, so that said section as amended shall read as follows: The general issue may be pleaded in all cases and a brief statement of special matter of defence filed, or a special plea or double pleas in bar may be filed. The plaintiff must

join a general issue and may file a counter brief statement.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect when approved.
[Approved March 12, 1869.]

Chapter 63.

AN ACT to ratify an amendment to the Constitution of the United States, proposed to the Legislatures of the several States by a resolution adopted at the last session of the fortieth Congress, in the year of our Lord, one thousand eight hundred and sixty-nine.

Whereas, At the last session of the fortieth Congress of the United States of America, held at Washington, in the District of Columbia, in the year of our Lord, one thousand eight hundred and sixty-nine, it was resolved as follows, to wit:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) that the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XV.

SECT. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

Be it therefore enacted, by the Senate and House of Representatives of the State of Maine in Legislature assembled, as follows, viz:

SECT. 1. That the said proposed amendment be, and the same is hereby ratified on behalf of the State of Maine.

SECT. 2. This act shall take effect when approved.
[Approved March 12, 1869.]

Chapter 64.

AN ACT repealing chapter one hundred and sixty of the public acts of eighteen hundred and sixty-eight, concerning taxes.

SECT. 1. The act entitled "An Act additional to chapter six of the revised statutes, concerning taxes," approved February sixteenth, eighteen hundred and sixty-eight, and being chapter one hundred and sixty, is hereby repealed.

SECT. 2. No proceedings under the act hereby repealed shall be hereafter enforced.

SECT. 3. This act shall take effect when approved.
[Approved March 12, 1869.]

Chapter 65.

AN ACT for the promotion of medical science.

SECT. 1. The body of any person of this state, who requested during his lifetime that his body might be delivered to any regular physician or surgeon to be used within this state for the advancement of anatomical science, may be so taken and used, unless within three days after his death any kindred or friend of the deceased asks to have the body buried.

SECT. 2. The warden of the state prison and the keepers of the several jails in the state, may give permission to any regular physician or surgeon, preference being given to instructors and medical schools established by law, upon request, to take the bodies of such persons dying in state prison or in jail on conviction for crime, to be by him used within the state for the advancement of anatomical science; provided that no such body shall be surrendered if the deceased at any time requested to be buried or if within three days after his death any kindred or friend of the deceased asks to have the body buried. The surgeon or physician before receiving any such body, shall give a good and sufficient bond with sureties, in a sum of not less than one hundred dollars, payable to the treasurer of the city or town where such body may be, said bond to be approved by a majority of the selectmen or overseers of the poor of the city or town, that such body shall only be used for the purpose named in this act, and shall not be transported out of the state; and that after such use, the remains shall be decently interred, and if the condition of said bond shall be broken, it shall be the duty of the treasurer of such city or town to enforce the payment of the said bond for the use of the city or town, the money so obtained to be applied to the support of the poor of said city or town.

SECT. 3. Any person knowingly surrendering or knowingly receiving any such body for anatomical purposes, contrary to the provisions of this act, shall be punished as provided in section twenty-six of chapter one hundred and twenty-four of the revised statutes.

[Approved March 12, 1869.]

Chapter 66.

AN ACT explanatory of "An Act to encourage manufactures."

SECT. 1. Section one of chapter ninety-one of the public laws of the year eighteen hundred and fifty-nine, entitled "An Act to encourage manufactures," shall be construed as exempting from taxation property as therein specified, for the term of ten years from the date of the assent given by any city or town to such exemption.

SECT. 2. This act shall take effect when approved.
[Approved March 12, 1869.]

Chapter 67.

AN ACT to regulate the organization of the Legislature.

SECT. 1. It shall be the duty of the secretary of state, on or before the day preceding the meeting of the legislature annually to furnish to the secretary of the preceding senate a certified roll, under the seal of the state, of the names and residences of senators elect as appears by the report of the governor and council; and to the clerk of the preceding house of representatives a certified roll, under the seal of the state, of the names and residences of the representatives elect as appears by the report of the governor and council, and also to report the vacancies if any exist.

SECT. 2. It shall be the duty of the secretary of the preceding senate at the time and place appointed

for the meeting of the legislature to call the senators elect present to order, and from the certified roll furnished him as aforesaid call the names of senators elect, and if a quorum respond, he shall preside until the qualification of the senators elect and a president is elected; if no quorum appear he shall preside and the senators elect present shall adjourn from day to day but transact no business except to go into convention to fill vacancies until a quorum appear, and are qualified and a president is elected. And it shall be the duty of the clerk of the preceding house of representatives in like manner to call the representatives elect present to order and preside until the qualification of the representatives elect and election of speaker; if no quorum appear he shall preside and the representatives elect present shall adjourn from day to day, until a quorum appear, and are qualified and a speaker is elected.

SECT. 3. In case of vacancy in the office of secretary of the preceding senate, or of clerk of the preceding house of representatives, or absence or inability of either to perform the duties prescribed in the preceding section the same shall be performed by the assistant.

SECT. 4. No person shall be allowed to vote or take part in the organization of either branch of the legislature as a member unless his name appears upon the certified roll of that branch of the legislature in which he claims to act.

SECT. 5. This act shall take effect when approved. [Approved March 12, 1869.]

Chapter 68.

AN ACT to repeal chapter one hundred and fifty-eight of the public laws of the year eighteen hundred and sixty-eight entitled "An Act to amend section fifty-five of chapter eighty-six of the revised statutes in relation to trustee process."

SECT. 1. Chapter one hundred and fifty-eight of the public laws of eighteen hundred and sixty-eight, entitled "An Act to amend section fifty-five of chapter eighty-six of the revised statutes in relation to trustee process," is hereby repealed.

SECT. 2. The first specification of section fifty-five, chapter eighty-six of the revised statutes, is hereby revived; provided this act shall not apply to actions now pending.

SECT. 3. This act shall take effect when approved. [Approved March 12, 1869.]

Chapter 69.

AN ACT to enlarge the provisions of section twenty-eight of chapter eleven of the revised statutes relating to the location of school-houses.

SECT. 1. Any incorporated city may take real estate for the enlargement or extension of any location designated for the erection or removal of a school-house and necessary buildings, and for necessary playgrounds, as provided in section twenty-eight of chapter eleven of the revised statutes; provided that no real estate shall be so taken within thirty feet of a dwelling-house.

SECT. 2. This act shall take effect when approved. [Approved March 12, 1869.]

Chapter 70.

AN ACT to regulate the river and interior fisheries.

SECT. 1. The provisions of this act shall apply to all the fresh waters of this state above the flow of the tide, and to all the tidal waters that are included within the limits of the fishery districts hereinafter established, with such exceptions as may be hereinafter mentioned.

SECT. 2. For the purposes of this act the term "salmon" shall mean the common migratory salmon of the seacoast and rivers; the term "landlocked salmon" shall mean any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same that are locally known as "salmon trout" and "black spotted trout;" the term "alewife" shall mean the small species of migratory fish commonly called "alewife," but known also by the local names of "herring" and "gaspereau," and shall also include the similar species found in tidal waters and known as "blue-back;" the term "bass" shall mean the striped bass of the tidal waters.

SECT. 3. The governor, with the advice of the council, shall appoint one person to be commissioner of fisheries, who shall hold office for three years, unless sooner removed, and have a general supervision of the fisheries regulated by this act. He shall examine dams and other obstructions existing in all rivers and streams in the state and determine the necessity of fishways, and the location, form and capacity thereof; shall visit those sections where fisheries regulated by this act are carried on and examine into the working of the laws; shall introduce and disseminate valuable species of fish; and perform all other duties prescribed by law. He shall report annually on or before the thirty-first day of December to the governor, who shall cause three thousand copies of each report to be printed. He shall be entitled to receive his traveling and other expenses necessarily connected with his duties, and such compensation for his services as may be determined by the governor and council, who shall audit his accounts; provided that the total amount of his pay and expenses shall not exceed two thousand dollars annually.

SECT. 4. Every dam or other artificial obstruction in any river or stream naturally frequented by salmon, shad or alewives, shall be provided by the owner or occupant thereof with a durable and efficient fishway, of such form and capacity and in such location as may be determined by the commissioner of fisheries or by any person authorized by him to determine the same. It shall also be incumbent on the owner or occupant of the dam to keep the fishway in repair and open and free from obstruction for the passage of fish during such times as may be prescribed by law.

SECT. 5. In cases where he deems it expedient the commissioner of fisheries may after notice in writing to one or more of the owners or occupants of a dam, and a hearing thereon, decide what would be a suitable fishway or passage through such dam, consulting as far as practicable the convenience and safety thereof, and give written notice to some owner or occupant, specifying the location, form and capacity of the required fishway, and requiring the same to be built within a specified time.

SECT. 6. If a fishway thus required to be built is

not completed to the satisfaction of the commissioner within the time specified, any owner or occupant shall forfeit a sum not exceeding fifty nor less than ten dollars for every day between the first day of May and the first day of November during which such neglect continues.

SECT. 7. On the completion of any fishway to the satisfaction of the commissioner, or at any subsequent time, he shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such prescription shall be served on some owner or occupant of the dam. The commissioner may afterwards change the time so fixed as he may see fit. In the absence of any other regulation in the premises a fishway shall be kept open and unobstructed from the first day of May to the fifteenth day of July, of each year. The penalty for neglecting to comply with the provisions of this section or any regulations made in accordance herewith, shall be not less than five nor more than twenty dollars for each day that said neglect continues.

SECT. 8. In case the commissioner finds any fishway out of repair or needing alterations to make it efficient, they may, as in the case of new fishways, require the owner or occupant to make such repairs or alterations; and all the proceedings in such cases, and the penalty for neglect, shall be as provided in the fifth and sixth sections of this act.

SECT. 9. Each of the following rivers with its tributaries, and the adjoining seacoast, as far as the same is frequented by salmon, shad, alewives, bass or smelts, shall constitute a fishery district: namely, the Presumpscot, Androscoggin, Kennebec, Georges, Penobscot and St. Croix; the Androscoggin district shall also extend to its junction with the Kennebec in Merry-meeting bay. In cases of doubt, the commissioner of fisheries may determine more exactly the limits of any fishery district, and in case of dispute as to jurisdiction of wardens appointed under this act, it shall be his duty to examine as soon as practicable and determine as aforesaid; any regulations made in accordance with this clause, shall be submitted to the governor and council, who may approve, amend or reject the said regulations. Any regulations so approved or amended, shall, after publication two weeks in the state paper, be deemed to have the full force and effect of law.

SECT. 10. The governor, with the advice of the council, shall appoint persons in each fishery district to be fish wardens, as follows: One in the Presumpscot district, one in the Androscoggin district, three in the Kennebec district, one in the Georges district, three in the Penobscot district, and one in the St. Croix district. The wardens of the Kennebec and Penobscot districts shall have joint and several jurisdiction over the fisheries of their respective districts and shall meet annually, on the first Tuesday of April, at Augusta and Bangor respectively, with power to adjourn to such time and place as they may choose. The wardens thus appointed, shall hold office for three years, unless sooner removed, and shall be duly sworn. They shall make an annual report of their doings to the commissioner of fisheries, on or before the first day of November. They shall receive three dollars for each day they are occupied in their official duties; their accounts shall be audited by the governor and council and paid from the state treasury; provided that in no case shall any one warden receive more than one hundred dollars for his services in any one year.

SECT. 11. Fish wardens shall endeavor to enforce the laws in regard to the fisheries within their respective districts, shall prosecute for all offenses that come to their knowledge, shall be entitled to their pay as witnesses in said cases although they are complainants, and have a right at all times to visit any dam, or any weir or other apparatus for taking fish; and when they are resisted in the discharge of their duties, they may require the aid of as many persons as they deem necessary, and any person neglecting or refusing to render aid when thus required shall forfeit ten dollars.

SECT. 12. There shall be between the first day of April and the fifteenth day of July each year, a weekly close time of forty-eight hours, from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken from the waters covered by this act. During the weekly close time all seines, nets and other movable apparatus, shall be removed from the water. Every weir shall have, in that part thereof where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore, and there remain during the weekly close time. In case the enclosure where the fish are taken is furnished with a board floor an opening extending from the floor to the top of the weir shall be held equivalent to extending from the bottom to the top. The penalty for the violation of this section shall be twenty dollars for each offence.

SECT. 13. No weir, hedge, set-net, or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than two feet depth of water at ordinary low water, under a penalty of not more than one hundred nor less than fifty dollars, and forfeiture of all apparatus and material so unlawfully used. This provision shall apply to any seine or drift-net that shall at any time be attached to a stationary object, but shall not apply to fykes or bag-nets used in the winter fishery for smelts and tom-cods, nor to any implement that may be lawfully used in waters above the flow of the tide, nor to any portion of the Penobscot river, bay or tributaries.

SECT. 14. All fishing for salmon, shad, alewives, or any other migratory fish, except by hook and line, shall cease on the fifteenth day of July annually, and shall be unlawful after that date, and within five days thereafter all of the walls of that enclosure of a weir in which fish are usually taken shall be removed, and no contrivance shall be placed therein to hinder the free passage of fish through the weir. The penalty for the violation of this section shall not be more than one hundred nor less than twenty dollars, and forfeiture of apparatus and materials so unlawfully used. This section shall not apply to weirs for the taking of smelts after the first day of October, nor to the taking of porgies or menhaden.

SECT. 15. For the period of five years from the

passage of this act, no salmon, shad, alewives, or any other migratory fish, shall be taken, nor shall any structure or implement for their capture be used above the flow of the tide in the Presumpscot, Androscoggin, Kennebec, Georges, or St. Croix rivers, nor above the flow of the tide in any tributary of either of said rivers, under penalty of not more than fifty nor less than ten dollars for each offence, and ten dollars for each salmon, one dollar for each shad, and twenty cents for each alewife so taken.

SECT. 16. No salmon, shad, alewives, or other migratory fish, shall be taken within two hundred yards of any fishway, or within one hundred yards of any dam or mill-race, nor shall any structure or implement except hook and line be used for taking any fish within the above limits, between the first day of April and the first day of November, without the written permission of the wardens of the district in which it is situated, approved by the commissioner of fisheries; nor shall hook and line be used within fifty yards of any fishway. The penalty for the violation of this section shall be a fine of not more than fifty nor less than ten dollars for each offence, and a further fine of ten dollars for each salmon, one dollar for each shad, and twenty cents for each alewife or other fish so taken.

SECT. 17. There shall be a yearly close time for salmon from the first day of September of each year to the first day of April following, during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty nor less than ten dollars, and a further penalty of ten dollars for each salmon so taken or killed.

SECT. 18. There shall be a yearly close time for land-locked salmon, trout and togue during the months of October, November, December and January, during which none of the fish mentioned above shall be taken or killed in any manner under a penalty of not more than thirty nor less than ten dollars, and a further fine of one dollar for each fish so taken or killed; provided, that this section shall not apply to the taking of blueback trout in Franklin and Oxford counties, nor to any person taking fish on his own premises for the purpose of cultivation.

SECT. 19. Any person who shall have in his possession any fish taken in violation of the seventeenth and eighteenth sections of this act, shall be punished by a like penalty as if he had taken them; and any person having in possession any fresh salmon between the fifth day of September of any year and the first day of April following, or any fresh land-locked salmon, trout or togue between the fifth day of October of any year and the first day of February following, shall be deemed guilty of a violation of this section, and shall be held to prove that the fish in his possession were not taken unlawfully.

SECT. 20. No weir, hedge, trap, trawl, or any net other than a dip-net shall be used for the capture of any fresh-water fish under a penalty of not more than fifty nor less than ten dollars, and a further penalty of one dollar for every fish so taken. And such structure or implement used in any fresh water above the flow of the tide, shall be deemed to be used in violation of this section unless it shall be shown to be authorized by some special act or to have been used in a bona-fide fishery for salmon, shad or alewives.

SECT. 21. No mascalonge, pickerel, pike, sunfish or bream, yellow perch or black bass shall be introduced, by means of the live fish or spawn, to any waters where they do not now severally exist, except as hereinafter provided, under a penalty of not more than two hundred nor less than fifty dollars.

SECT. 22. The commissioner of fisheries may take fish of any kind at such time and place and in such manner as he may choose, for the purposes of science and of cultivation and dissemination; and he may grant permits to other persons to take fish for the same purposes, and may introduce or cause or permit to be introduced any kind of fish to any waters he may see fit; anything in this or any other act to the contrary notwithstanding.

SECT. 23. The commissioner of fisheries may set apart any waters for the purpose of cultivation of fish; and after three weeks' notice, published in the paper nearest the locality where such waters are set apart, no person shall take or kill any fish therein under a penalty of not more than one hundred nor less than ten dollars, and a further penalty of two dollars for each fish so taken or killed.

SECT. 24. All boats, implements and materials used in violation of this act, and all fish taken in violation of the same shall be forfeited.

SECT. 25. All fines and forfeitures provided for in this act may be recovered before any competent tribunal by complaint, indictment or action of debt. In cases where the offence is committed in any river or stream forming a boundary between two counties, or in any lake or other body of standing water lying partly in two or more counties, the action may be brought in either county. One-half of all fines and forfeitures recovered shall be for the benefit of the person prosecuting therefor.

SECT. 26. It shall be the duty of constables and police officers to prosecute for all offences against this act that come to their knowledge.

SECT. 27. Any fish warden, constable or police officer may seize any implement used in illegal fishing, and may render any weir, built or maintained contrary to law, incapable of taking fish. Any such officer may, on view, appropriate to his own use or gift any fish taken or possessed in violation of this act.

SECT. 28. The commissioner of fisheries can delegate to any fish warden or other lawful officer of fisheries any of the powers given to the said commissioner in relation to the construction of fishways.

SECT. 29. That portion of the Saint John river and its tributaries lying above Grand Falls in New Brunswick, shall be exempt from all the provisions of this act.

SECT. 30. The following waters and their tributaries are exempt from the operation of the provisions of this act relating to the migratory fishes, and the supervision of fishways by the commissioner, that is to say: Royall's river in North Yarmouth; Sewall's pond or its outlet in Arrowsic; Nequasset stream in Woolwich; Damariscotta river; Duck trap stream in Lincolnville and Belmont; the eastern Penobscot river in Orland; Winslow's and Leach's streams in Penobscot; the stream from Walker's pond in Brooksville; all waters in Vinalhaven, Bluehill, Tremont, Mount Desert, Eden, Franklin and Sullivan;

Tunk river in Steuben; Pleasant river in Washington county; East Machias river and Cobscok or Orange river in Whiting; that portion of the Penobscot river and its tributaries below Orphan's island; also the Kennebec river below Lee's island.

SECT. 31. The following named waters with their tributaries are subject to this act only so far as relates to the construction of fishways, namely: Harraseeket and Little rivers in Freeport; the stream from Gray's pond in Sedgwick and Brooksville; Denny's river and Pinnaquan river.

SECT. 32. No provisions of this act shall interfere with any rights and privileges granted to persons engaged in the cultivation of fish.

SECT. 33. The following acts, parts of acts, and resolves are hereby repealed, namely: all acts and parts of acts relating to the fisheries for salmon, shad, alewives and bass in the Presumpscot, Kennebec, Androscoggin, Georges, Penobscot and St. Croix rivers and their tributaries, except an act entitled "an act to regulate the shad and alewife fisheries in the town of Warren," passed March sixth, eighteen hundred and two, and an act amendatory thereto, approved February twenty-four, eighteen hundred and sixty-eight, which shall remain in full force so far as their provisions are not inconsistent with the provisions of this act. There are further repealed the twenty-second to the twenty-sixth sections, inclusive of chapter forty of the revised statutes; "an act to regulate certain fisheries," approved February twenty-six, eighteen hundred sixty-eight; "an act giving certain powers to the commissioners of fisheries," approved February twenty-nine, eighteen hundred sixty-eight; a "resolve relative to the restoration of sea fish to the rivers and inland waters of Maine," approved January twenty-eight, eighteen hundred and sixty-seven; a "resolve to continue in force and amendatory of chapter seventy-eight of the resolves of eighteen hundred and sixty-seven, in relation to the restoration of sea fish to the rivers and inland waters of Maine," approved March sixth, eighteen hundred sixty-eight, and all other acts and parts of acts inconsistent with the provisions of this act.

SECT. 34. This act shall take effect when approved. [Approved March 13, 1869.]

Chapter 71.

AN ACT to provide for taxing Bank Stock.

SECT. 1. Section one of chapter one hundred and ninety-three of the public laws of eighteen hundred and sixty-three is hereby amended by striking out the word "unknown" in the seventh line, and inserting instead thereof the following words: "whose residence is unknown to the assessors," so that the section as amended shall read as follows:

SECT. 1. The stock of any bank held by persons out of the state, or unknown, and that has not been certified according to the provisions of chapter forty-six, section twenty-one of the revised statutes, in any city or town in this state, and is not there assessed; and the stock of any bank appearing by the books of such bank to be held by persons residing beyond the limits of this state, or whose residence is unknown to the assessors, shall be assessed for its proportion of any state, county or town tax, in and by the assessors of the city or town where such bank is located, or transacts its ordinary business; and such city or town making the assessment aforesaid, shall have a lien attaching from and after the date of such assessment to such stock, and all dividends thereon until such tax and any cost or expenses arising in the assessment and collection thereof has been fully paid. No assignment, sale, transfer or attachment shall pass any property in such stock unless the vendee shall first pay such tax and cost; and the cashiers of banks required by the chapter and section aforesaid, to make annual returns to assessors, are hereby directed to return to the assessors of the city or town where such bank is located or transacts its business as aforesaid, all the stock in such bank not returned to the assessors of other cities or towns, according to the provisions of said section; and such returns shall be made at the time and in the manner prescribed in said section, and shall be made the basis of taxation of such property.

SECT. 2. When returns of stock in the banks and national banking associations in this state are made according to the provisions of section twenty-one of chapter forty-six of the revised statutes, and chapter one hundred and ninety-three of the public laws of eighteen hundred and sixty-three, if it be found by the assessors of any city or town receiving such returns that the holders of any stock so returned do not reside in such city or town, they shall forthwith return the names of such stockholders, with the amount of stock held by them, to the assessors of the city or town where such stockholders reside, if their residence is known, and within this state, and if their residence is unknown or beyond the limits of this state, such return shall be made to the assessors of the city or town where the bank is located, and such stock shall be there taxed and shall be subject to the provisions of chapter one hundred and ninety-three of the public laws of eighteen hundred and sixty-three.

SECT. 3. Chapter one hundred and ninety-three of the public laws of eighteen hundred and sixty-three, is amended by this act, and section twenty-one of chapter forty-six of the revised statutes, shall hereafter apply to all national banks and banking associations established in this state; provided, however, that the taxation of shares in such national banks shall not be at a greater rate than is assessed upon other monied capital in the hands of individual citizens of this state.

SECT. 4. Chapter two hundred and nine of the public laws of eighteen hundred and sixty-eight, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. This act shall take effect when approved. [Approved March 12, 1869.]

Chapter 72.

AN ACT to amend chapter one hundred and thirty-five of the revised statutes, relating to the execution of sentence in capital cases.

SECT. 1. In case of trial of an indictment for any capital offence, the judge presiding shall, at the expense of the county, employ suitable means to preserve an accurate and full copy of the evidence; and

in case of conviction, he shall correct and certify such evidence to be a true copy of all the evidence in the case. And in case of sentence of death awarded upon such conviction, it shall be the duty of the clerk forthwith to transmit to the governor a true and attested copy of such evidence; and in all cases of sentence of death, the clerk shall forthwith transmit to the governor a copy of the whole record.

SECT. 2. Upon receiving such record and evidence it shall be the duty of the governor and council carefully to review the whole case, and unless they think proper to pardon the convict, or commute his sentence, the governor shall, upon the expiration of one year after the day of the sentence, except cases in review, issue his warrant, as provided in sections seven and eight of chapter one hundred and thirty-five of the revised statutes as herein amended.

SECT. 3. When a petition is presented for review and granted, the judge granting the same shall forthwith notify the governor of the fact, and that there is cause for further inquiry, and the governor shall stay execution until such inquiry has been made upon a new trial. In case of conviction for a capital offence, upon new trial, the like proceedings on the part of the court, the clerk, and the governor and council, shall be had as are hereinbefore provided in case of conviction upon original process.

SECT. 4. Section seven of said chapter is hereby amended so as to read as follows:

SECT. 7. When any person is convicted of a crime punishable with death, and sentenced therefor, he shall at the same time be sentenced to solitary confinement in the state prison till such punishment is inflicted; but he shall not be executed until the whole record of such proceedings or case is certified by the clerk of said court, under the seal thereof, to the supreme executive authority of the state, and a warrant is issued by said executive authority, under the great seal of the state, directed to the sheriff or one of his deputies, of the county wherein the state prison is situated, commanding him to carry said sentence of death into execution.

[Approved March 12, 1869.]

Chapter 73.

AN ACT additional to chapter one hundred twenty-six of the revised statutes, for the prevention of cruelty to animals.

SECT. 1. Whoever shall overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of sustenance, cruelly beaten, mutilated or killed, any horse, ox, or other animal, and whoever having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food, drink and shelter or protection from the weather, shall for every such offence be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment.

SECT. 2. Every owner of or person having the charge or custody of any horse, ox, or other animal, who shall knowingly and willfully authorize or permit the same to be subjected to or suffer unnecessary torture or cruelty, shall be punished for every such offence in the manner provided in section one.

SECT. 3. Every owner, driver, possessor, or person having the charge or custody of an old, maimed, or disabled or diseased horse, mule or other animal, who shall cruelly work the same when unfit for work or cruelly abandon the same, shall be punished for every such offence in the same manner provided in section one.

SECT. 4. Any person who shall carry or cause to be carried in or upon any vehicle or otherwise, any animal in an unnecessarily cruel or inhuman manner, shall be punished in the same manner provided in section one.

SECT. 5. No railroad company in this state, in the carrying or transportation of cattle, sheep, swine, or other animals, shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental cause, without unloading for rest, water, and feeding for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest on connecting roads from which they are received, shall be computed, it being the intention of this act to prevent their continuous confinement beyond twenty-eight hours, except upon contingencies herein before stated; and animals unloaded for rest, water, and feeding under the provisions of this act, shall be properly fed, watered, and sheltered during such rest by the owners or persons in custody thereof, or in case of their default in so doing, then by the railroad company transporting them, at the expense of said owners or persons in custody thereof.

SECT. 6. If any owner or person in charge of said animals refuses or neglects to pay for the care and feed of animals so rested, the railroad company may charge such expense to the owner or consignee, and retain a lien upon the animals until the same is paid; and no claim for damages for detention shall be recovered by the owner or shipper of any animals for the time they are detained under the provisions of this act.

SECT. 7. Any railroad company, owner, consignee, or person in charge of such cattle, sheep or other animals, who shall violate any provision of the fifth or sixth sections of this act, shall for each and every such violation, forfeit and pay a penalty of one hundred dollars.

SECT. 8. Any person may take charge of any animal whose owner has abandoned it, or is failing to properly take care and provide for it, and may furnish the same with proper shelter, nourishment and care at the owner's expense, and shall have a lien on such animal for the same.

SECT. 9. In all cases where a lien is given under this act, the person or corporation having such lien, may sell such animal or animals at public auction, in the town or city where such animal was found or is detained, after giving the party claiming or owning such animal three days' notice in writing; or in case such party cannot be found, then by publishing notice of the time and place of sale, three times in any newspaper printed in the county where such animal was found or detained; and from the proceeds of such

sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble in the matter, and hold the balance, if any, for and pay over the same, on demand, to the party or parties owning the said animal or animals, or his or their legal representatives.

SECT. 10. It shall be the duty of all sheriffs, deputy sheriffs, police officers and constables, to prosecute all violations of the provisions of this act, which shall come to their notice or knowledge; and all fines collected under this act, shall be paid over to the treasurer of the city or town where the offence, for which the fine is imposed, was committed; and in case a society should be formed in such city or town for the prevention of cruelty to animals, then such fines shall inure and be paid over to such society, in aid of the benevolent objects for which it shall have been formed.

SECT. 11. The several municipal and police courts and trial justices in this state shall have concurrent jurisdiction with the supreme judicial court of all offences under this act.

[Approved March 12, 1869.]

Chapter 74.

AN ACT establishing County Teachers' Institutes.

SECT. 1. It shall be the duty of the state superintendent of common schools on the written request of twenty-five teachers in any county, to hold therein annually a teachers' institute, to continue at least ten days, Sundays excepted, to give due notice thereof to all teachers, and persons proposing to become such, and invite their attendance. The state superintendent, or some person designated by him, shall attend and have charge of each convention, and employ suitable instructors and lecturers, to give instruction and addresses, with the view to aid teachers in qualifying themselves for a more successful discharge of their duties. An examination of teachers shall be held the closing day or days of the session, and certificates of scholarships and qualifications shall be granted by the examining committee, of such form and grade as may be deemed best by the state superintendent.

SECT. 2. To defray the expenses of these institutes the sum of four thousand dollars shall be annually appropriated, to be expended by the state superintendent, who shall render an account thereof to the governor and council, to be examined and audited by them.

SECT. 3. This act shall take effect when approved. [Approved March 13, 1869.]

Chapter 75.

AN ACT for the establishment of county supervisors for schools.

SECT. 1. The governor and council shall appoint for each county, on the recommendation of the state superintendent of common schools, one person as county supervisor of public schools for each county, whose term of office shall continue three years, unless he be sooner removed by the governor.

SECT. 2. It shall be the duty of the county supervisor to visit the schools of his county as often as practicable, to note at such visits in a book provided for the purpose, to be designated the "Supervisor's Visiting Book," the condition of the school buildings and out-houses, the efficiency of the teachers, the method of instruction, the branches taught, the textbooks and apparatus used and the discipline, government and general condition of each school. He shall give each such directions in the science, art, and method of teaching as he may deem expedient, shall distribute promptly all reports, forms, laws, circulars and instructions which he may receive from and in accordance with the direction of the state superintendent, and in general shall act as the official adviser and constant assistant of the school officers and teachers in his county.

SECT. 3. He shall assist the state superintendent in the organization and management of county institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of public schools in his county, by organizing town and county associations of teachers, and by personal efforts with pupils, school committees, teachers and parents.

SECT. 4. No county supervisor shall act as agent for any author, publisher or bookseller, nor directly or indirectly receive any gift, emolument or reward for his influence in recommending or procuring the use of any book, school apparatus or furniture of any kind whatever in any public school in the state; and any one who shall violate this provision shall be removed from office, and shall further forfeit all moneys due him from the state for salary and traveling expenses.

SECT. 5. The state superintendent and the county supervisors shall constitute a state board of education, of which the state superintendent shall be ex officio secretary, and said board shall hold a session at the capital of the state at least once a year during the session of the legislature, for the purpose of conferring with the legislative educational committee on matters pertaining to the common schools of the state, and to mature plans of operations for the following year, and in general to devise ways and means to promote and elevate the public schools of the state.

SECT. 6. The county supervisor shall receive three dollars per diem for service actually performed in the discharge of his duties, and also reimbursement for traveling expenses necessarily incurred; said serving and traveling expenses to appear in his "working report," rendered quarterly to the state superintendent for his inspection, and thence transmitted to the governor and council for their examination and approval; provided that the total annual expense for county supervisors shall not exceed the sum of sixteen thousand dollars.

SECT. 7. This act shall take effect when approved. [Approved March 13, 1869.]

Chapter 76.

AN ACT additional to an act respecting actions against executors and administrators.

An act entitled "an act additional to chapter eighty-seven of the revised statutes," approved the third day of February, eighteen hundred and sixty-nine, shall not apply to actions pending when said act takes effect. [Approved March 13, 1869.]

SPECIAL ACTS OF PUBLIC INTEREST.

AN ACT to repeal chapter five hundred and eighty-two of the special laws of the year eighteen hundred and sixty-eight, relating to the taking of codfish, pollock, hake and haddock in the waters of Frenchman's Bay.

SECT. 1. Chapter five hundred and eighty-two of the special laws of the year eighteen hundred and sixty-eight, entitled an act to regulate the taking of codfish, pollock, hake and haddock in the waters of Frenchman's Bay, is hereby repealed.

SECT. 2. This act shall take effect when approved. [Approved January 23, 1869.]

AN ACT to prevent the throwing of edgings, &c., into the waters of Pleasant River.

SECT. 1. It shall be unlawful for any owner or owners of mills at Columbia Falls, in the county of Washington, or any person or persons employed in or about said mills, to cast any edgings or trimmings of deal, boards, laths, shingles, or other lumber, into the waters of Pleasant River, or to so place or pile the same upon the banks of said river that they shall be liable to fall or be washed into said river.

SECT. 2. If any of the persons designated in section one of this act shall violate the provisions of said section, he or they shall be subject to a fine or penalty of not more than twenty nor less than five dollars, upon complaint and conviction before any court of competent jurisdiction.

SECT. 3. Any person who may suffer damage to his marsh lands, or his grass growing upon said marsh lands, by reason of the violation of the provisions of section one, may recover for said damage by an action on the case of the person or persons so violating said section and causing said damage.

SECT. 4. This act shall take effect when approved. [Approved February 8, 1869.]

AN ACT to prevent the spearing of pickerel in certain ponds.

SECT. 1. If any person or persons shall spear pickerel between the months of March and June of each year in the Wing pond, so called, situated in the town of Wayne, also in the Androscoggin pond, situated in the towns of Wayne and Leeds, said person or persons shall forfeit for each fish so taken or destroyed the sum of three dollars, to be recovered by complaint on an action of debt, one-half to the use of the town where the offence is committed, and one-half to the person prosecuting therefor.

SECT. 2. This act shall take effect when approved. [Approved February 15, 1869.]

AN ACT to prevent the destruction of fish in Great and Little Labrador Ponds, and Pleasant Pond in Sumner.

SECT. 1. If any person shall take or destroy any fish excepting suckers in the Great and Little Labrador Ponds or Pleasant Pond, in Sumner, or in any inlet or outlet of said ponds, for a term of three years, he shall forfeit and pay for each of said fish so unlawfully taken or destroyed a sum not less than two nor more than four dollars, to be recovered by an action of debt, to the use of any person who may sue for the same.

SECT. 2. This act shall take effect when approved. [Approved February 15, 1869.]

AN ACT to prevent the throwing of edgings or other substances into Pennamaquon river.

SECT. 1. It shall be unlawful for any owner or owners of mills on the Pennamaquon river in the town of Pembroke, in the county of Washington, or any person or persons employed in or about said mills or otherwise, to cast any edgings or trimmings of deal, boards, laths, bark and grindings, shingles or other lumber, into the waters of Pennamaquon river.

SECT. 2. If any of the persons designated in section one of this act shall violate the provisions of said section, he or they shall be subject to a fine or penalty of not more than twenty nor less than five dollars, upon complaint and conviction before any court of competent jurisdiction.

SECT. 3. Any person who may suffer damage to his lands, mill pond or mill privilege, by reason of the violation of the provisions of section one of this act, may recover for said damages by an action on the case of the person or persons so violating said section and causing said damage.

SECT. 4. This act shall take effect when approved. [Approved February 19, 1869.]

AN ACT to amend chapter four hundred fifty-eight of the special laws of eighteen hundred sixty-eight, relating to the right to fish along the bridge connecting the towns of Bucksport and Verona.

SECT. 1. The first section of chapter four hundred fifty-eight of the special laws of eighteen hundred sixty-eight is hereby amended by inserting after the words "seines," "and nets;" and further amended by striking out from said section the words "ten feet," where it therein occurs, and inserting "one hundred rods," so that the section when amended shall read as follows:

"SECT. 1. The towns of Bucksport and Verona, in the county of Hancock, are hereby granted the exclusive right to fish with seines and nets in the thoroughfare of Penobscot river where the bridge connecting said town now is; said right to include the space of one hundred rods above, and one hundred rods below said bridge, and may lease the same upon such terms as the municipal officers of said towns may determine; provided, however, that no lease

thereof shall be for a longer term than one year; provided further, that this act may be repealed, altered, or amended at the pleasure of the legislature."

SECT. 2. This act shall take effect when approved. [Approved, February 23, 1869.]

AN ACT to prevent the taking of pickerel in Farrington and upper Kezar ponds in Lovell, Oxford county.

SECT. 1. The taking of pickerel from the waters of Farrington and upper Kezar ponds or meadows, in Lovell, Oxford county, is hereby prohibited and made unlawful for and during the months of March, April and May of each year.

SECT. 2. Any person who shall take from the waters described in section one of this act, any pickerel within the time named in the foregoing section of this act, shall forfeit the sum of five dollars for each offence, to be recovered by complaint before a trial justice on action of debt, one-half to go to the prosecutor and the other half to the town of Lovell, Oxford county. [Approved February 23, 1869.]

AN ACT to prohibit the taking of pickerel in Bungermuck Pond in Hartford.

SECT. 1. The taking of pickerel from the waters of Bungermuck Pond in the town of Hartford is hereby prohibited and made unlawful for, and during the term of two years from the passage of this act; and thereafter in the months of January, February, March, June, July and August till the year eighteen hundred and seventy-four.

SECT. 2. Any person who shall take from the waters described in the first section of this act any pickerel within the two years named therein, and thereafter in the months therein named, until the year eighteen hundred and seventy-four, shall forfeit for each and every pickerel so taken the sum of five dollars, to be recovered by complaint before a trial justice or by action of debt, one-half of said penalty so recovered to be paid to the prosecutor and the other half to the town of Hartford in the county of Oxford. [Approved February 24, 1869.]

AN ACT to prevent the wanton destruction of Smelts in Crotchet Pond, in the towns of Mt. Vernon and Fayette, in the county of Kennebec.

SECT. 1. No person shall be allowed to take or catch any smelts from Crotchet Pond or its tributary waters till after the expiration of two years from the approval of this act.

SECT. 2. If any person shall violate the provisions of this act, he shall pay for each and every violation the sum of ten dollars, to be recovered in an action of debt, one-half to the person who may prosecute and the residue to the use of the town where said offence is committed.

[Approved March 3, 1869.]

AN ACT for the preservation of fish in the waters of Little river and Hopkinson's pond and tributaries, within the county of York.

SECT. 1. All persons are prohibited from fishing or taking trout in the waters of Little river and Hopkinson's pond and tributaries, for two years from the date of this enactment.

SECT. 2. Every violation of the foregoing provision shall be punishable by a fine of five dollars, to be recovered and appropriated as provided in chapter forty, section fifty-one of the revised statutes.

[Approved March 4, 1869.]

AN ACT to protect smelts in the waters of Kennebec and Androscoggin rivers.

SECT. 1. No person shall set or use any seine, net, weir or trap for the purpose of taking smelts in the waters in the Kennebec or Androscoggin rivers during the years eighteen hundred seventy, eighteen hundred seventy-two, eighteen hundred seventy-four and eighteen hundred seventy-six.

SECT. 2. Every person who violates the provisions of section one shall forfeit all nets, seines, or traps used in such unlawful fishing, and pay a fine of ten dollars for each offence, to be recovered by an action of debt, one-half to the complainant and one-half to the county wherein the offence is committed.

[Approved March 4, 1869.]

AN ACT to prevent the taking of Pickerel in Three Mile Pond in the towns of Vassalboro', China and Windsor.

SECT. 1. No person shall take or destroy any pickerel in Three Mile Pond, so called, situated in the towns of Vassalboro', China and Windsor, except by the ordinary process of angling with single bait hook and line or artificial fly, and not by hook and line, during the months of January, February, March, April and May in each year.

SECT. 2. Any person who shall violate any of the provisions of this act shall forfeit for each fish so taken or destroyed, the sum of three dollars to be recovered in an action of debt, one-half to the use of the town where the offence is committed, and one-half to the person prosecuting therefor.

[Approved March 5, 1869.]

AN ACT additional to "An Act to prevent the destruction of fish in East Machias waters," approved February thirteenth, eighteen hundred thirty-three.

SECT. 1. No person shall be allowed to take any salmon, shad or alewives in the waters of Machias east river by means of a large net, seine, spear or scoop net, after the fifteenth day of July of each year,

under a penalty of twenty dollars for each barrel or less quantity of salmon, fifteen dollars for every barrel or less quantity of shad, and five dollars for every barrel or less quantity of alewives so taken.

SECT. 2. The penalties imposed by this act may be recovered by an action of debt, one half to the use of the town wherein the offence shall have been committed, and one half to the use of the person who shall sue therefor.

[Approved March 5, 1869.]

AN ACT regulating the anchorage of vessels in Belfast harbor.

SECT. 1. No vessel shall remain at anchor longer than twelve hours in the river and harbor of Belfast, at any time from the first day of January to the fifteenth day of March, of each year, between White's and McGilvery's ship-yard and Lewis' wharf.

SECT. 2. The master, or person in charge of any vessel lying in said harbor, neglecting or refusing to comply with the requirements of section one, the harbor master may, after giving reasonable notice, take possession of such vessel and remove the same beyond the limits prescribed in said section; and he may recover the reasonable expenses of said removal in an action of debt against the master, or the owner or owners of such vessel, together with costs, before any competent court.

SECT. 3. This act shall take effect when approved.

[Approved March 5, 1869.]

AN ACT to amend "An Act to prevent the throwing of slabs and other refuse into the Penobscot River," approved February fifth, eighteen hundred sixty-eight.

SECT. 1. In the second line, strike out the words "below the mouth of the Mattawamkeag river, or into any of its tributaries entering below the mouth of said Mattawamkeag river," and insert the words "below the junction of the east and west branches of said river in Medway plantation," so that the section will read:

SECT. 1. No person or persons shall cast or throw into the Penobscot river, below the junction of the east and west branches of said river in Medway plantation, any slabs, board or lath edgings, bark, grindings of edgings, wood, bark or lumber, or refuse wood or timber of any sort, or shall place, pile or deposit on the banks of said Penobscot river, or banks of said tributaries, any slabs, board or lath edgings, bark, grindings of edgings, bark, wood, or lumber, or refuse wood or timber of any sort, in such negligent or careless manner that the same shall fall or be washed into said river or said tributaries, or with the intent that the same shall fall or be washed into said river or said tributaries, whereby the navigation of said river may become impeded or injuriously affected, or which shall tend to impede or injuriously affect the navigation of, or fill up said river, under a penalty for each offence, if the quantity shall not exceed five cords, of not less than five or more than twenty dollars; if the quantity cast or thrown in, or that shall fall or be washed in, as aforesaid, at one or different times, shall exceed five cords in all, under a penalty of not less than twenty, nor more than five hundred dollars.

[Approved March 5, 1869.]

AN ACT to provide the place for holding courts in the county of Androscoggin.

SECT. 1. Whenever the town or city of Auburn shall be annexed to the city of Lewiston, the supreme judicial court and meetings of county commissioners for said county of Androscoggin, shall be holden at Lewiston, and all writs and other processes returnable to said supreme judicial court at Auburn, or before the meeting of the county commissioners at Auburn, shall have day and be heard and determined in said supreme judicial court and meeting of county commissioners holden at Lewiston.

SECT. 2. This act shall take effect when approved.

[Approved March 12, 1869.]

AN ACT to change the time and place of holding the terms of the Supreme Judicial Court in the county of Washington.

SECT. 1. There shall be three terms of the supreme judicial court in the county of Washington, in each year, as follows: at Machias, on the first Tuesday of January and on the first Tuesday of October, and at Calais on the fourth Tuesday of April, provided said city of Calais shall furnish suitable rooms for the use of said court, without cost to the county, and shall give notice thereof to the county commissioners and the clerk of the courts of said county, and to the chief justice of the state, on or before the first day of October next; and the said city of Calais is hereby authorized to assess and raise a sufficient sum or sums for the purpose of providing said accommodations for said court.

SECT. 2. All writs and processes returnable to the term of the court, as now established, on the third Tuesday of October, shall have day in, and be acted on, at the term to be holden on the first Tuesday of October; and all attachments of property and bonds given on such writs shall have the same force and validity as though there had been no change in the time of holding the October term.

SECT. 3. This act shall take effect from and after the first day of June next.

[Approved March 12, 1869.]